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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 3702**

March 17, 2010

Authored by Wagenius; Murphy, M.; Hansen; Scalze; Davids and others  
The bill was read for the first time and referred to the Committee on Finance

April 19, 2010

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Ways and Means

A bill for an act

1.1 relating to environment and natural resources; modifying certain administrative  
1.2 accounts; modifying electronic transaction provisions; providing for certain  
1.3 registration and licensing exemptions; requiring drainage of watercraft  
1.4 equipment when leaving public waters; creating peace officer training account;  
1.5 modifying off-highway vehicle and snowmobile provisions; modifying state  
1.6 trails and canoe and boating routes; modifying fees and disposition of certain  
1.7 receipts; delaying local ordinance adoption requirements and establishing a  
1.8 task force; modifying certain competitive bidding exemptions; modifying  
1.9 horse trail pass provisions; modifying master plan requirements; expanding  
1.10 eligibility for free state park permit; modifying cross-country ski trail provisions;  
1.11 providing for general burning permits; modifying authority to establish forestry  
1.12 services fees; modifying authority to issue leases and permits; modifying timber  
1.13 sales provisions; eliminating certain pilot projects and reports; modifying  
1.14 the Water Law; modifying utility license provisions; modifying rulemaking  
1.15 authority; providing for certain permitting and review efficiencies; modifying  
1.16 nongame wildlife checkoffs; requiring long-range land management budgeting;  
1.17 requiring studies and reports; creating Coon Rapids Dam Commission;  
1.18 imposing incineration facility moratorium; appropriating money; amending  
1.19 Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision  
1.20 15; 84.0856; 84.0857; 84.415, by adding a subdivision; 84.777, subdivision  
1.21 2; 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivisions 3, 6,  
1.22 by adding a subdivision; 84.8205, subdivision 1; 84.92, subdivisions 9, 10;  
1.23 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256,  
1.24 subdivision 1; 84.928, subdivision 5; 84D.10, by adding a subdivision; 84D.13,  
1.25 subdivision 5; 85.015, subdivision 14; 85.052, subdivision 4; 85.22, subdivision  
1.26 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43; 85.46, as amended;  
1.27 86B.301, subdivision 2; 88.17, subdivisions 1, 3; 88.79, subdivision 2; 89.17;  
1.28 90.041, by adding a subdivision; 90.121; 90.14; 103A.305; 103F.325, by  
1.29 adding a subdivision; 103F.335, subdivision 1; 103G.271, subdivision 3;  
1.30 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision  
1.31 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 115.55, by adding a  
1.32 subdivision; 116.07, subdivisions 4, 4h; 116D.04, subdivision 2a, by adding a  
1.33 subdivision; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections  
1.34 84.415, subdivision 6; 84.793, subdivision 1; 84.922, subdivision 1a; 84.9275,  
1.35 subdivision 1; 84.928, subdivision 1; 85.015, subdivision 13; 85.053, subdivision  
1.36 10; 86A.09, subdivision 1; 103G.201; 357.021, subdivision 7; proposing coding  
1.37 for new law in Minnesota Statutes, chapters 97A; 103G; repealing Minnesota  
1.38

2.1 Statutes 2008, sections 90.172; 103G.295; 103G.650; Minnesota Statutes 2009  
2.2 Supplement, section 88.795.

2.3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.4 Section 1. Minnesota Statutes 2008, section 84.025, subdivision 9, is amended to read:

2.5 Subd. 9. **Professional services support account.** The commissioner of natural  
2.6 resources may bill other governmental units, including tribal governments, and the  
2.7 various programs carried out by the commissioner for the costs of providing them with  
2.8 professional support services. Except as provided under section 89.421, receipts must be  
2.9 credited to a special account in the state treasury and are appropriated to the commissioner  
2.10 to pay the costs for which the billings were made.

2.11 The commissioner of natural resources shall submit to the commissioner of  
2.12 management and budget before the start of each fiscal year a work plan showing the  
2.13 estimated work to be done during the coming year, the estimated cost of doing the work,  
2.14 and the positions and fees that will be necessary. This account is exempted from statewide  
2.15 and agency indirect cost payments.

2.16 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

2.17 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an  
2.18 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~  
2.19 card, safety training certification, registration, or transfer under the jurisdiction of the  
2.20 commissioner by electronic means, including by telephone. Notwithstanding section  
2.21 97A.472, electronic and telephone transactions may be made outside of the state. The  
2.22 commissioner may:

2.23 (1) provide for the electronic transfer of funds generated by electronic transactions,  
2.24 including by telephone;

2.25 (2) assign an identification number to an applicant who purchases a hunting or  
2.26 fishing license or recreational vehicle registration by electronic means, to serve as  
2.27 temporary authorization to engage in the activity requiring a license or registration until  
2.28 the license or registration is received or expires;

2.29 (3) charge and permit agents to charge a fee of individuals who make electronic  
2.30 transactions and transactions by telephone or Internet, including issuing fees and an  
2.31 additional transaction fee not to exceed \$3.50;

2.32 (4) charge and permit agents to charge a convenience fee not to exceed three percent  
2.33 of the cost of the license to individuals who use electronic bank cards for payment. An  
2.34 electronic licensing system agent charging a fee of individuals making an electronic  
2.35 bank card transaction in person must post a sign informing individuals of the fee. The

3.1 sign must be near the point of payment, clearly visible, include the amount of the fee, and  
3.2 state: "License agents are allowed by state law to charge a fee not to exceed three percent  
3.3 of the cost of state licenses to persons who use electronic bank cards for payment. The  
3.4 fee is not required by state law.";

3.5 (5) establish, by written order, an electronic licensing system commission to be  
3.6 paid by revenues generated from all sales made through the electronic licensing system.  
3.7 The commissioner shall establish the commission in a manner that neither significantly  
3.8 overrecovers nor underrecovers costs involved in providing the electronic licensing  
3.9 system; and

3.10 (6) adopt rules to administer the provisions of this subdivision.

3.11 (b) The fees established under paragraph (a), clauses (3) and (4), and the commission  
3.12 established under paragraph (a), clause (5), are not subject to the rulemaking procedures  
3.13 of chapter 14 and section 14.386 does not apply.

3.14 (c) Money received from fees and commissions collected under this subdivision,  
3.15 including interest earned, is annually appropriated from the game and fish fund and the  
3.16 natural resources fund to the commissioner for the cost of electronic licensing.

3.17 Sec. 3. Minnesota Statutes 2008, section 84.0856, is amended to read:

3.18 **84.0856 FLEET MANAGEMENT ACCOUNT.**

3.19 The commissioner of natural resources may bill organizational units within  
3.20 the Department of Natural Resources and other governmental units, including tribal  
3.21 governments, for the costs of providing them with equipment. Costs billed may include  
3.22 acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined  
3.23 by the commissioner. Receipts and interest earned on the receipts shall be credited to a  
3.24 special account in the state treasury and are appropriated to the commissioner to pay the  
3.25 costs for which the billings were made.

3.26 Sec. 4. Minnesota Statutes 2008, section 84.0857, is amended to read:

3.27 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

3.28 (a) The commissioner of natural resources may bill organizational units within  
3.29 the Department of Natural Resources and other governmental units, including tribal  
3.30 governments, for the costs of providing them with building and infrastructure facilities.  
3.31 Costs billed may include modifications and adaptations to allow for appropriate building  
3.32 occupancy, building code compliance, insurance, utility services, maintenance, repair, and  
3.33 other direct costs as determined by the commissioner. Receipts shall be credited to a

4.1 special account in the state treasury and are appropriated to the commissioner to pay the  
4.2 costs for which the billings were made.

4.3 (b) Money deposited in the special account from the proceeds of a sale under section  
4.4 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire  
4.5 facilities or renovate existing buildings for administrative use or to acquire land for,  
4.6 design, and construct administrative buildings for the Department of Natural Resources.

4.7 Sec. 5. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision  
4.8 to read:

4.9 Subd. 3a. **Joint applications for residential use.** An application for a utility  
4.10 license may cover more than one type of utility if the utility lines are being installed for  
4.11 residential use only. Separate applications submitted by utilities for the same crossing  
4.12 shall be joined together and processed as one application, provided that the applications  
4.13 are submitted within one year of each other and the utility lines are for residential use only.  
4.14 The application fees for a joint application or separate applications subsequently joined  
4.15 together shall be as if only one application was submitted.

4.16 Sec. 6. Minnesota Statutes 2009 Supplement, section 84.415, subdivision 6, is  
4.17 amended to read:

4.18 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the  
4.19 application fee and utility crossing fees specified in Minnesota Rules, the commissioner of  
4.20 natural resources shall assess the applicant for a utility license the following fees:

4.21 (1) a supplemental application fee of ~~\$1,500~~ \$2,000 for a public water crossing  
4.22 license and a supplemental application fee of ~~\$4,500~~ \$2,000 for a public lands crossing  
4.23 license, to cover reasonable costs for reviewing the application and preparing the license;  
4.24 and

4.25 (2) a monitoring fee to cover the projected reasonable costs for monitoring the  
4.26 construction of the utility line and preparing special terms and conditions of the license  
4.27 to ensure proper construction. The commissioner must give the applicant an estimate of  
4.28 the monitoring fee before the applicant submits the fee.

4.29 (b) The applicant shall pay fees under this subdivision to the commissioner of  
4.30 natural resources. The commissioner shall not issue the license until the applicant has  
4.31 paid all fees in full.

4.32 (c) Upon completion of construction of the improvement for which the license  
4.33 or permit was issued, the commissioner shall refund the unobligated balance from the

5.1 monitoring fee revenue. The commissioner shall not return the application fees, even  
5.2 if the application is withdrawn or denied.

5.3 (d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover  
5.4 the costs of reviewing the applications and preparing the licenses, the commissioner shall  
5.5 improve efficiencies and otherwise reduce department costs and activities to ensure the  
5.6 revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are  
5.7 necessary to carry out the requirements.

5.8 Sec. 7. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

5.9 Subd. 2. **Off-highway vehicle seasons seasonal restrictions.** (a) ~~The commissioner~~  
5.10 ~~shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for  
5.11 designated forest roads, a person must not operate an off-highway vehicle on state forest  
5.12 lands ~~outside of the seasons prescribed under this paragraph.~~ during the firearms deer  
5.13 hunting season in areas of the state where deer may be taken by rifle. This paragraph  
5.14 does not apply to a person in possession of a valid deer hunting license operating an  
5.15 off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

5.16 (b) The commissioner may designate and post winter trails on state forest lands  
5.17 for use by off-highway vehicles.

5.18 (c) For the purposes of this subdivision, "state forest lands" means forest lands under  
5.19 the authority of the commissioner as defined in section 89.001, subdivision 13, and lands  
5.20 managed by the commissioner under section 282.011.

5.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.22 Sec. 8. Minnesota Statutes 2008, section 84.788, subdivision 2, is amended to read:

5.23 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

5.24 (1) owned and used by the United States, an Indian tribal government, the state,  
5.25 another state, or a political subdivision;

5.26 (2) registered in another state or country that have not been within this state for  
5.27 more than 30 consecutive days; or

5.28 (3) registered under chapter 168, when operated on forest roads to gain access to a  
5.29 state forest campground.

5.30 Sec. 9. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is  
5.31 amended to read:

5.32 Subdivision 1. **Prohibitions on youthful operators.** (a) ~~After January 1, 1995, A~~  
5.33 person less than 16 years of age operating an off-highway motorcycle on public lands

6.1 or waters must possess a valid off-highway motorcycle safety certificate issued by the  
6.2 commissioner.

6.3 (b) Except for operation on public road rights-of-way that is permitted under section  
6.4 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
6.5 operate an off-highway motorcycle along or on a public road right-of-way.

6.6 (c) A person under 12 years of age may not:

6.7 (1) make a direct crossing of a public road right-of-way;

6.8 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

6.9 (3) operate an off-highway motorcycle on public lands or waters unless accompanied  
6.10 by a person 18 years of age or older or participating in an event for which the  
6.11 commissioner has issued a special use permit.

6.12 (d) Except for public road rights-of-way of interstate highways, a person less than 16  
6.13 years of age may make a direct crossing of a public road right-of-way of a trunk, county  
6.14 state-aid, or county highway only if that person is accompanied by a person 18 years of  
6.15 age or older who holds a valid driver's license.

6.16 (e) A person less than 16 years of age may operate an off-highway motorcycle on  
6.17 public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph  
6.18 (a), only if that person is accompanied by a person 18 years of age or older who holds a  
6.19 valid driver's license.

6.20 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may  
6.21 operate an off-highway motorcycle on public lands or waters if the nonresident youth has  
6.22 in possession evidence of completing an off-road safety course offered by the Motorcycle  
6.23 Safety Foundation or another state as provided in section 84.791, subdivision 4.

6.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.25 Sec. 10. Minnesota Statutes 2008, section 84.798, subdivision 2, is amended to read:

6.26 Subd. 2. **Exemptions.** Registration is not required for an off-road vehicle that is:

6.27 (1) owned and used by the United States, an Indian tribal government, the state,  
6.28 another state, or a political subdivision; or

6.29 (2) registered in another state or country and has not been in this state for more  
6.30 than 30 consecutive days.

6.31 Sec. 11. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

6.32 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile,  
6.33 other than those used for an agricultural purpose, as defined in section 84.92, subdivision

7.1 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as  
7.2 follows: \$45 for three years and \$4 for a duplicate or transfer.

7.3 (b) The total registration fee for all snowmobiles owned by a dealer and operated for  
7.4 demonstration or testing purposes shall be \$50 per year.

7.5 (c) The total registration fee for all snowmobiles owned by a manufacturer and  
7.6 operated for research, testing, experimentation, or demonstration purposes shall be \$150  
7.7 per year. Dealer and manufacturer registrations are not transferable.

7.8 (d) The onetime fee for registration of an exempt snowmobile under subdivision  
7.9 6a is \$6.

7.10 Sec. 12. Minnesota Statutes 2008, section 84.82, subdivision 6, is amended to read:

7.11 Subd. 6. **Exemptions.** Registration is not required under this section for:

7.12 (1) a snowmobile owned and used by the United States, an Indian tribal government,  
7.13 another state, or a political subdivision thereof;

7.14 (2) a snowmobile registered in a country other than the United States temporarily  
7.15 used within this state;

7.16 (3) a snowmobile that is covered by a valid license of another state and has not been  
7.17 within this state for more than 30 consecutive days;

7.18 (4) a snowmobile used exclusively in organized track racing events;

7.19 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

7.20 (6) a snowmobile at least 15 years old in transit by an individual for use only on  
7.21 land owned or leased by the individual; or

7.22 (7) a snowmobile while being used to groom a state or grant-in-aid trail.

7.23 Sec. 13. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision  
7.24 to read:

7.25 Subd. 6a. **Exemption; collector unlimited snowmobile use.** Snowmobiles may be  
7.26 issued an exempt registration if the machine is at least 25 years old. Exempt registration is  
7.27 valid from the date of issuance until ownership of the snowmobile is transferred. Exempt  
7.28 registrations are not transferable.

7.29 Sec. 14. Minnesota Statutes 2008, section 84.8205, subdivision 1, is amended to read:

7.30 Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a  
7.31 person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a  
7.32 snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural  
7.33 resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a

8.1 three-year snowmobile state trail sticker that is purchased at the time of snowmobile  
8.2 registration is \$30. In addition to other penalties prescribed by law, a person in violation  
8.3 of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker  
8.4 is valid from November 1 through June 30. Fees collected under this section, except for  
8.5 the issuing fee for licensing agents, shall be deposited in the state treasury and credited  
8.6 to the snowmobile trails and enforcement account in the natural resources fund and,  
8.7 except for the electronic licensing system commission established by the commissioner  
8.8 under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance,  
8.9 grooming, and easement acquisition.

8.10 (b) A state trail sticker is not required under this section for:

8.11 (1) a snowmobile owned by the state or a political subdivision of the state that is  
8.12 registered under section 84.82, subdivision 5;

8.13 (2) a snowmobile that is owned and used by the United States, an Indian tribal  
8.14 government, another state, or a political subdivision thereof that is exempt from  
8.15 registration under section 84.82, subdivision 6;

8.16 (3) a collector snowmobile that is operated as provided in a special permit issued for  
8.17 the collector snowmobile under section 84.82, subdivision 7a;

8.18 (4) a person operating a snowmobile only on the portion of a trail that is owned by  
8.19 the person or the person's spouse, child, or parent; or

8.20 (5) a snowmobile while being used to groom a state or grant-in-aid trail.

8.21 (c) A temporary registration permit issued by a dealer under section 84.82,  
8.22 subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is  
8.23 included with the registration application fee.

8.24 Sec. 15. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

8.25 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an  
8.26 all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

8.27 Sec. 16. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

8.28 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an  
8.29 all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds.

8.30 Sec. 17. Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a, is  
8.31 amended to read:

8.32 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

- 9.1 (1) vehicles owned and used by the United States, an Indian tribal government, the  
9.2 state, another state, or a political subdivision;
- 9.3 (2) vehicles registered in another state or country that have not been in this state for  
9.4 more than 30 consecutive days;
- 9.5 (3) vehicles that:
- 9.6 (i) are owned by a resident of another state or country that does not require  
9.7 registration of all-terrain vehicles;
- 9.8 (ii) have not been in this state for more than 30 consecutive days; and
- 9.9 (iii) are operated on state and grant-in-aid trails by a nonresident possessing a  
9.10 nonresident all-terrain vehicle state trail pass;
- 9.11 (4) vehicles used exclusively in organized track racing events; and
- 9.12 (5) vehicles that are 25 years old or older and were originally produced as a separate  
9.13 identifiable make by a manufacturer.

9.14 Sec. 18. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision  
9.15 to read:

9.16 Subd. 2b. **Collector unlimited use; exempt registration.** All-terrain vehicles may  
9.17 be issued an exempt registration if requested and the machine is at least 25 years old.  
9.18 Exempt registration is valid from the date of issuance until ownership of the all-terrain  
9.19 vehicle is transferred. Exempt registrations are not transferable.

9.20 Sec. 19. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

9.21 **Subd. 5. Fees for registration.** (a) The fee for a three-year registration of  
9.22 an all-terrain vehicle under this section, other than those registered by a dealer or  
9.23 manufacturer under paragraph (b) or (c), is:

- 9.24 (1) for public use, \$45;
- 9.25 (2) for private use, \$6; and
- 9.26 (3) for a duplicate or transfer, \$4.

9.27 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated  
9.28 for demonstration or testing purposes is \$50 per year. Dealer registrations are not  
9.29 transferable.

9.30 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and  
9.31 operated for research, testing, experimentation, or demonstration purposes is \$150 per  
9.32 year. Manufacturer registrations are not transferable.

9.33 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b  
9.34 is \$6.

10.1           (e) The fees collected under this subdivision must be credited to the all-terrain  
10.2 vehicle account.

10.3           Sec. 20. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

10.4           Subdivision 1. **Program established.** (a) The commissioner shall establish a  
10.5 comprehensive all-terrain vehicle environmental and safety education and training  
10.6 program, including the preparation and dissemination of vehicle information and safety  
10.7 advice to the public, the training of all-terrain vehicle operators, and the issuance of  
10.8 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
10.9 successfully complete the all-terrain vehicle environmental and safety education and  
10.10 training course.

10.11           (b) For the purpose of administering the program and to defray a portion of the  
10.12 expenses of training and certifying vehicle operators, the commissioner shall collect a fee  
10.13 of \$15 from each person who receives the training. The commissioner shall collect a fee,  
10.14 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle  
10.15 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain  
10.16 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,  
10.17 including overhead costs, involved in providing the service. Fee proceeds, except for the  
10.18 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain  
10.19 vehicle account in the natural resources fund. In addition to the fee established by the  
10.20 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee  
10.21 amount for class material materials and expenses.

10.22           (c) The commissioner shall cooperate with private organizations and associations,  
10.23 private and public corporations, and local governmental units in furtherance of the program  
10.24 established under this section. School districts may cooperate with the commissioner  
10.25 and volunteer instructors to provide space for the classroom portion of the training. The  
10.26 commissioner shall consult with the commissioner of public safety in regard to training  
10.27 program subject matter and performance testing that leads to the certification of vehicle  
10.28 operators. By June 30, 2003, the commissioner shall incorporate a riding component in  
10.29 the safety education and training program.

10.30           Sec. 21. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

10.31           Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on  
10.32 public road rights-of-way that is permitted under section 84.928, a driver's license issued  
10.33 by the state or another state is required to operate an all-terrain vehicle along or on a  
10.34 public road right-of-way.

11.1 (b) A person under 12 years of age shall not:

11.2 (1) make a direct crossing of a public road right-of-way;

11.3 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

11.4 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
11.5 paragraph (f).

11.6 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
11.7 of age but less than 16 years may make a direct crossing of a public road right-of-way  
11.8 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
11.9 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety  
11.10 certificate issued by the commissioner and is accompanied ~~on another all-terrain vehicle~~  
11.11 by a person 18 years of age or older who holds a valid driver's license.

11.12 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
11.13 old, but less than 16 years old, must:

11.14 (1) successfully complete the safety education and training program under section  
11.15 84.925, subdivision 1, including a riding component; and

11.16 (2) be able to properly reach and control the handle bars and reach the foot pegs  
11.17 while sitting upright on the seat of the all-terrain vehicle.

11.18 (e) A person at least 11 years of age may take the safety education and training  
11.19 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
11.20 the certificate is not valid until the person reaches age 12.

11.21 (f) A person at least ten years of age but under 12 years of age may operate an  
11.22 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
11.23 accompanied by a parent or legal guardian.

11.24 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

11.25 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
11.26 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
11.27 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
11.28 all-terrain vehicle.

11.29 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
11.30 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
11.31 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
11.32 or state or grant-in-aid trails if:

11.33 (1) the nonresident youth has in possession evidence of completing an all-terrain  
11.34 safety course offered by the ATV Safety Institute or another state as provided in section  
11.35 84.925, subdivision 3; and

12.1 (2) the nonresident youth is accompanied by a person 18 years of age or older who  
12.2 holds a valid driver's license.

12.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.4 Sec. 22. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is  
12.5 amended to read:

12.6 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain  
12.7 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid  
12.8 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must  
12.9 be available for inspection by a peace officer, a conservation officer, or an employee  
12.10 designated under section 84.0835.

12.11 (b) The commissioner of natural resources shall issue a pass upon application and  
12.12 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees  
12.13 collected under this section, except for the issuing fee for licensing agents, shall be  
12.14 deposited in the state treasury and credited to the all-terrain vehicle account in the natural  
12.15 resources fund and, except for the electronic licensing system commission established by  
12.16 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to  
12.17 counties and municipalities for all-terrain vehicle organizations to construct and maintain  
12.18 all-terrain vehicle trails and use areas.

12.19 (c) A nonresident all-terrain vehicle state trail pass is not required for:

12.20 (1) an all-terrain vehicle that is owned and used by the United States, another state,  
12.21 or a political subdivision thereof that is exempt from registration under section 84.922,  
12.22 subdivision 1a; ~~or~~

12.23 (2) a person operating an all-terrain vehicle only on the portion of a trail that is  
12.24 owned by the person or the person's spouse, child, or parent; or

12.25 (3) a nonresident operating an all-terrain vehicle that is registered according to  
12.26 section 84.922.

12.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.28 Sec. 23. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is  
12.29 amended to read:

12.30 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise  
12.31 allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in  
12.32 this state along or on the roadway, shoulder, or inside bank or slope of a public road  
12.33 right-of-way of a trunk, county state-aid, or county highway.

13.1 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside  
13.2 bank or slope of a trunk, county state-aid, or county highway unless prohibited under  
13.3 paragraph (d) or (f).

13.4 (c) A person may operate a class 2 all-terrain vehicle within the public road  
13.5 right-of-way of a county state-aid or county highway on the extreme right-hand side of  
13.6 the road and left turns may be made from any part of the road if it is safe to do so under  
13.7 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may  
13.8 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a  
13.9 designated class 2 all-terrain vehicle trail.

13.10 (d) A road authority as defined under section 160.02, subdivision 25, may after a  
13.11 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under  
13.12 its jurisdiction.

13.13 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the  
13.14 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside  
13.15 bank or slope of a trunk, interstate, county state-aid, or county highway:

13.16 (1) that is part of a funded grant-in-aid trail; or

13.17 (2) when the all-terrain vehicle is:

13.18 ~~(1)~~ owned by or operated under contract with a publicly or privately owned utility  
13.19 or pipeline company; and

13.20 ~~(2)~~ used for work on utilities or pipelines.

13.21 (f) The commissioner may limit the use of a right-of-way for a period of time if the  
13.22 commissioner determines that use of the right-of-way causes:

13.23 (1) degradation of vegetation on adjacent public property;

13.24 (2) siltation of waters of the state;

13.25 (3) impairment or enhancement to the act of taking game; or

13.26 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
13.27 property.

13.28 The commissioner must notify the road authority as soon as it is known that a closure  
13.29 will be ordered. The notice must state the reasons and duration of the closure.

13.30 (g) A person may operate an all-terrain vehicle registered for private use and used  
13.31 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
13.32 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
13.33 side of the road, and left turns may be made from any part of the road if it is safe to do so  
13.34 under the prevailing conditions.

13.35 (h) A person shall not operate an all-terrain vehicle within the public road  
13.36 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in

14.1 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
14.2 from work on agricultural lands. This paragraph does not apply to an agent or employee  
14.3 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
14.4 Natural Resources when performing or exercising official duties or powers.

14.5 (i) A person shall not operate an all-terrain vehicle within the public road  
14.6 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half  
14.7 hour after sunset to one-half hour before sunrise, except on the right-hand side of the  
14.8 right-of-way and in the same direction as the highway traffic on the nearest lane of the  
14.9 adjacent roadway.

14.10 (j) A person shall not operate an all-terrain vehicle at any time within the  
14.11 right-of-way of an interstate highway or freeway within this state.

14.12 Sec. 24. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

14.13 Subd. 5. **Organized contests, use of highways and public lands and waters.** (a)  
14.14 Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the  
14.15 right-of-way of a state trunk or county state-aid highway or upon public lands or waters  
14.16 under the jurisdiction of the commissioner of natural resources, in an organized contest or  
14.17 event, subject to the consent of the official or board having jurisdiction over the highway  
14.18 or public lands or waters.

14.19 (b) In permitting the contest or event, the official or board having jurisdiction may  
14.20 prescribe restrictions or conditions as they may deem advisable.

14.21 (c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under  
14.22 12 years of age may operate an all-terrain vehicle in an organized contest on public lands  
14.23 or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person  
14.24 complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised  
14.25 by a person 18 years of age or older.

14.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.27 Sec. 25. Minnesota Statutes 2008, section 84D.10, is amended by adding a subdivision  
14.28 to read:

14.29 Subd. 4. **Persons leaving public waters.** A person leaving waters of the state must  
14.30 drain bait containers, other boating-related equipment holding water excluding marine  
14.31 sanitary systems, and live wells and bilges by removing the drain plug before transporting  
14.32 the watercraft and associated equipment on public roads. Drain plugs, bailers, valves, or  
14.33 other devices used to control the draining of water from ballast tanks, bilges, and live

15.1 wells must be removed or opened while transporting watercraft on a public road. Marine  
15.2 sanitary systems are excluded from this requirement.

15.3 Sec. 26. Minnesota Statutes 2008, section 84D.13, subdivision 5, is amended to read:

15.4 Subd. 5. **Civil penalties.** A civil citation issued under this section must impose  
15.5 the following penalty amounts:

15.6 (1) for transporting aquatic macrophytes on a forest road as defined by section  
15.7 89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or  
15.8 any other public road, \$50;

15.9 (2) for placing or attempting to place into waters of the state a watercraft, a trailer, or  
15.10 aquatic plant harvesting equipment that has aquatic macrophytes attached, \$100;

15.11 (3) for unlawfully possessing or transporting a prohibited invasive species other  
15.12 than an aquatic macrophyte, \$250;

15.13 (4) for placing or attempting to place into waters of the state a watercraft, a trailer, or  
15.14 aquatic plant harvesting equipment that has prohibited invasive species attached when  
15.15 the waters are not designated by the commissioner as being infested with that invasive  
15.16 species, \$500 for the first offense and \$1,000 for each subsequent offense;

15.17 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
15.18 prescribed by rule, Eurasian water milfoil, \$100;

15.19 (6) for failing to drain water, ~~as required by rule,~~ from watercraft and equipment  
15.20 before leaving ~~designated zebra mussel, spiny water flea, or other invasive plankton~~  
15.21 ~~infested~~ waters of the state, \$50; and

15.22 (7) for transporting infested water off riparian property without a permit as required  
15.23 by rule, \$200.

15.24 Sec. 27. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is  
15.25 amended to read:

15.26 Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton,**  
15.27 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.  
15.28 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to  
15.29 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in  
15.30 Itasca County and there terminate;

15.31 (2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County  
15.32 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand  
15.33 Marais in Cook County, thence northeasterly to the international boundary in the vicinity  
15.34 of the north shore of Lake Superior, and there terminate;

16.1 (3) The Grand Marais to International Falls Trail shall originate in Grand Marais  
 16.2 in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area,  
 16.3 to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to  
 16.4 Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St.  
 16.5 Louis County to International Falls in Koochiching County, and there terminate;

16.6 (4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis  
 16.7 County and extend southerly to St. Croix State Forest in Pine County.

16.8 (b) The trails shall be developed primarily for riding and hiking.

16.9 (c) In addition to the authority granted in subdivision 1, lands and interests in lands  
 16.10 for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring  
 16.11 any land or interest in land by eminent domain the commissioner of administration shall  
 16.12 obtain the approval of the governor. The governor shall consult with the Legislative  
 16.13 Advisory Commission before granting approval. Recommendations of the Legislative  
 16.14 Advisory Commission shall be advisory only. Failure or refusal of the commission to  
 16.15 make a recommendation shall be deemed a negative recommendation.

16.16 Sec. 28. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

16.17 Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis,**  
 16.18 **Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One  
 16.19 segment shall be known as the Gateway Trail and shall originate at the State Capitol  
 16.20 and extend northerly and northeasterly to William O'Brien State Park, thence northerly  
 16.21 to Taylors Falls in Chisago County. One segment shall ~~be known as the Boundary Trail~~  
 16.22 ~~and shall~~ originate in Chisago County and extend into ~~Duluth in St. Louis~~ Hinckley and  
 16.23 Pine County. One segment shall be known as the Browns Creek Trail and shall originate  
 16.24 at Duluth Junction and extend into Stillwater in Washington County. One segment shall  
 16.25 be known as the Munger Trail and shall originate at Hinckley in Pine County and extend  
 16.26 through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall  
 16.27 be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and  
 16.28 extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be  
 16.29 established that extends the trail to include the cities of Proctor, Duluth, and Hermantown  
 16.30 in St. Louis County.

16.31 (b) The Gateway and Browns Creek Trails shall be developed primarily for hiking  
 16.32 and nonmotorized riding and the remaining trails shall be developed primarily for riding  
 16.33 and hiking.

16.34 (c) In addition to the authority granted in subdivision 1, lands and interests in lands  
 16.35 for the Gateway and Browns Creek Trails may be acquired by eminent domain.

17.1 Sec. 29. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

17.2 Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and  
17.3 services within a state park, state recreation area, or wayside, and for special state park  
17.4 uses under this section shall be deposited in the natural resources fund and credited to a  
17.5 state parks account.

17.6 (b) Gross receipts derived from sales, rentals, or leases of natural resources within  
17.7 state parks, recreation areas, and waysides, other than those on trust fund lands, must be  
17.8 deposited in the state treasury and credited to the ~~general fund~~ state parks working capital  
17.9 account.

17.10 (c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile  
17.11 materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle  
17.12 Recreation Area shall be deposited in the dedicated accounts in the natural resources fund  
17.13 from which the purchase of the stockpile material was made.

17.14 Sec. 30. Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10, is  
17.15 amended to read:

17.16 Subd. 10. **Free entrance; ~~totally and permanently disabled veterans.~~** The  
17.17 commissioner shall issue an annual park permit for no charge to any veteran with a total  
17.18 and permanent service-connected disability, and a daily park permit to any resident  
17.19 veteran with any level of service-connected disability, as determined by the United States  
17.20 Department of Veterans Affairs, who presents each year a copy of ~~their~~ the veteran's  
17.21 determination letter to a park attendant or commissioner's designee. For the purposes of  
17.22 this section, "veteran" has the meaning given in section 197.447.

17.23 **EFFECTIVE DATE.** This section is effective July 1, 2010.

17.24 Sec. 31. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

17.25 Subd. 5. **Exemption.** Purchases for resale or rental made from the state parks  
17.26 working capital ~~fund~~ and account are exempt from competitive bidding, notwithstanding  
17.27 chapter 16C.

17.28 Sec. 32. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

17.29 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
17.30 in cooperation with local units of government and private individuals and groups when  
17.31 feasible to mark ~~canoe and boating routes~~ state water trails on the Little Fork, Big Fork,  
17.32 Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,  
17.33 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre

18.1 within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in  
18.2 Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North,  
18.3 Sauk, Otter Tail, Redwood, Blue Earth, and Crow Rivers which have historic and scenic  
18.4 values and to mark appropriately points of interest, portages, camp sites, and all dams,  
18.5 rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe,  
18.6 kayak, and watercraft travelers.

18.7 Sec. 33. Minnesota Statutes 2008, section 85.41, subdivision 3, is amended to read:

18.8 Subd. 3. **Exemptions.** (a) Participants in cross-country ski races ~~and official school~~  
18.9 ~~activities~~ and residents of a state or local government operated correctional facility are  
18.10 exempt from the pass requirement in subdivision 1 if a special use permit has been  
18.11 obtained by the organizers of the event or those in an official capacity in advance from the  
18.12 agency with jurisdiction over the cross-country ski trail. Permits shall require that permit  
18.13 holders return the trail and any associated facility to its original condition if any damage  
18.14 is done by the permittee. Limited permits for special events may be issued and shall  
18.15 require the removal of any trail markers, banners, and other material used in connection  
18.16 with the special event.

18.17 (b) Unless otherwise exempted under paragraph (a), students, teachers, and  
18.18 supervising adults engaged in school-sanctioned activities or other youth activities  
18.19 sponsored by a nonprofit organization are exempt from the pass requirements in  
18.20 subdivision 1.

18.21 Sec. 34. Minnesota Statutes 2008, section 85.42, is amended to read:

18.22 **85.42 USER FEE; VALIDITY.**

18.23 (a) The fee for an annual cross-country ski pass is ~~\$14~~ \$19 for an individual age 16  
18.24 and over. The fee for a three-year pass is ~~\$39~~ \$54 for an individual age 16 and over. This  
18.25 fee shall be collected at the time the pass is purchased. Three-year passes are valid for  
18.26 three years beginning the previous July 1. Annual passes are valid for one year beginning  
18.27 the previous July 1.

18.28 (b) The cost for a daily cross-country skier pass is ~~\$4~~ \$5 for an individual age 16 and  
18.29 over. This fee shall be collected at the time the pass is purchased. The daily pass is valid  
18.30 only for the date designated on the pass form.

18.31 (c) A pass must be signed by the skier across the front of the pass to be valid and  
18.32 becomes nontransferable on signing.

19.1 Sec. 35. Minnesota Statutes 2008, section 85.43, is amended to read:

19.2 **85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

19.3 (a) Fees from cross-country ski passes shall be deposited in the state treasury and  
 19.4 credited to a cross-country ski account in the natural resources fund and, except for the  
 19.5 electronic licensing system commission established by the commissioner under section  
 19.6 84.027, subdivision 15, are appropriated to the commissioner of natural resources for  
 19.7 the following purposes:

19.8 (1) grants-in-aid for cross-country ski trails ~~sponsored by local units of government~~  
 19.9 to:

19.10 (i) counties and municipalities for construction and maintenance of cross-country  
 19.11 ski trails; and

19.12 (ii) special park districts as provided in section 85.44 ~~for construction and~~  
 19.13 maintenance of cross-country ski trails; and

19.14 (2) administration of the cross-country ski trail grant-in-aid program.

19.15 (b) Development and maintenance of state cross-country ski trails are eligible for  
 19.16 funding from the cross-country ski account if the money is appropriated by law.

19.17 Sec. 36. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter  
 19.18 37, article 1, sections 22 to 24, is amended to read:

19.19 **85.46 HORSE ~~TRAIL~~ PASS.**

19.20 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while  
 19.21 riding, leading, or driving a horse on horse trails and associated day use areas on state  
 19.22 trails, in state parks, in state recreation areas, and in state forests, a person 16 years of  
 19.23 age or over shall carry in immediate possession a valid horse ~~trail~~ pass. The pass must  
 19.24 be available for inspection by a peace officer, a conservation officer, or an employee  
 19.25 designated under section 84.0835.

19.26 (b) A valid horse ~~trail~~ pass is not required under this section for a person riding,  
 19.27 leading, or driving a horse ~~only on the portion of a horse trail property~~ property that is owned by  
 19.28 the person or the person's spouse, child, parent, or guardian.

19.29 Subd. 2. **License agents.** (a) The commissioner of natural resources may appoint  
 19.30 agents to issue and sell horse ~~trail~~ passes. The commissioner may revoke the appointment  
 19.31 of an agent at any time.

19.32 (b) The commissioner may adopt additional rules as provided in section 97A.485,  
 19.33 subdivision 11. An agent shall observe all rules adopted by the commissioner for the  
 19.34 accounting and handling of passes according to section 97A.485, subdivision 11.

20.1 (c) An agent must promptly deposit and remit all money received from the sale of  
20.2 passes, except issuing fees, to the commissioner.

20.3 Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue  
20.4 and sell horse ~~trail~~ passes. The pass shall include the applicant's signature and other  
20.5 information deemed necessary by the commissioner. To be valid, a daily or annual pass  
20.6 must be signed by the person riding, leading, or driving the horse, and a commercial  
20.7 annual pass must be signed by the owner of the commercial ~~trail~~ riding facility.

20.8 Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual  
20.9 16 years of age and over. The fee shall be collected at the time the pass is purchased.  
20.10 Annual passes are valid for one year beginning January 1 and ending December 31.

20.11 (b) The fee for a daily horse ~~trail~~ pass is \$4 for an individual 16 years of age and  
20.12 over. The fee shall be collected at the time the pass is purchased. The daily pass is valid  
20.13 only for the date designated on the pass form.

20.14 (c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance  
20.15 of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be  
20.16 purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial  
20.17 annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December  
20.18 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~  
20.19 passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of  
20.20 this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for  
20.21 riding instruction or other equestrian activities for hire or use by others.

20.22 Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of  
20.23 \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass.  
20.24 Issuing fees for passes sold by the commissioner of natural resources shall be deposited  
20.25 in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources  
20.26 fund and are appropriated to the commissioner for the operation of the electronic licensing  
20.27 system. A pass shall indicate the amount of the fee that is retained by the seller.

20.28 Subd. 6. **Disposition of receipts.** Fees collected under this section, except for  
20.29 the issuing fee, shall be deposited in the state treasury and credited to the horse ~~trail~~  
20.30 pass account in the natural resources fund. Except for the electronic licensing system  
20.31 commission established by the commissioner under section 84.027, subdivision 15, the  
20.32 fees are appropriated to the commissioner of natural resources for trail acquisition, trail and  
20.33 facility development, and maintenance, enforcement, and rehabilitation of horse trails or  
20.34 trails authorized for horse use, whether for riding, leading, or driving, on ~~state trails and in~~  
20.35 ~~state parks, state recreation areas, and state forests~~ land administered by the commissioner.

21.1 Subd. 7. **Duplicate horse trail passes.** The commissioner of natural resources and  
21.2 agents shall issue a duplicate pass to a person or commercial trail riding facility owner  
21.3 whose pass is lost or destroyed using the process established under section 97A.405,  
21.4 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse trail pass is \$2,  
21.5 with an issuing fee of 50 cents.

21.6 Sec. 37. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is  
21.7 amended to read:

21.8 Subdivision 1. **Master plan required.** No construction of new facilities or other  
21.9 development of an authorized unit, other than repairs and maintenance, shall commence  
21.10 until the managing agency has prepared and submitted to the commissioner of natural  
21.11 resources and the commissioner has reviewed, pursuant to this section, a master plan for  
21.12 administration of the unit in conformity with this section. No master plan is required for  
21.13 wildlife management areas that do not have resident managers, for scientific and natural  
21.14 areas, for water access sites, for aquatic management areas, for rest areas, or for boater  
21.15 waysides.

21.16 Sec. 38. Minnesota Statutes 2008, section 86B.301, subdivision 2, is amended to read:

21.17 Subd. 2. **Exemptions.** A watercraft license is not required for:

21.18 (1) a watercraft that is covered by a license or number in full force and effect under  
21.19 federal law or a federally approved licensing or numbering system of another state, and  
21.20 has not been within this state for more than 90 consecutive days, which does not include  
21.21 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior  
21.22 port or another port in the state;

21.23 (2) a watercraft from a country other than the United States that has not been  
21.24 within this state for more than 90 consecutive days, which does not include days that a  
21.25 watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another  
21.26 port in the state;

21.27 (3) a watercraft owned by the United States, an Indian tribal government, a state, or  
21.28 a political subdivision of a state, except watercraft used for recreational purposes;

21.29 (4) a ship's lifeboat;

21.30 (5) a watercraft that has been issued a valid marine document by the United States  
21.31 government;

21.32 (6) a duck boat during duck hunting season;

21.33 (7) a rice boat during the harvest season;

21.34 (8) a seaplane; and

22.1 (9) a nonmotorized watercraft nine feet in length or less.

22.2 **EFFECTIVE DATE.** This section is effective upon the state receiving written  
22.3 approval from the United States Coast Guard, as provided in United States Code, title 46,  
22.4 section 12303, and Code of Federal Regulations, title 33, section 174.7.

22.5 Sec. 39. Minnesota Statutes 2008, section 88.17, subdivision 1, is amended to read:

22.6 Subdivision 1. **Permit Permission required.** (a) ~~A permit~~ Permission to start a fire  
22.7 to burn vegetative materials and other materials allowed by Minnesota Statutes or official  
22.8 state rules and regulations may be given by the commissioner or the commissioner's agent.  
22.9 This permission shall be in the form of:

22.10 (1) a written permit issued by a forest officer, fire warden, or other person authorized  
22.11 by the commissioner; ~~or~~

22.12 (2) an electronic permit issued by the commissioner, an agent authorized by the  
22.13 commissioner, or an Internet site authorized by the commissioner; or

22.14 (3) a general permit adopted by the county board of commissioners according to  
22.15 paragraph (c).

22.16 (b) Written and electronic burning permits shall set the time and conditions by which  
22.17 the fire may be started and burned. The permit shall also specifically list the materials that  
22.18 may be burned. The permittee must have the permit on their person and shall produce  
22.19 the permit for inspection when requested to do so by a forest officer, conservation officer,  
22.20 or other peace officer. The permittee shall remain with the fire at all times and before  
22.21 leaving the site shall completely extinguish the fire. A person shall not start or cause a  
22.22 fire to be started on any land that is not owned or under their legal control without the  
22.23 written permission of the owner, lessee, or an agent of the owner or lessee of the land.  
22.24 Violating or exceeding the permit conditions shall constitute a misdemeanor and shall be  
22.25 cause for the permit to be revoked.

22.26 (c) A general burning permit may be adopted by the county board of commissioners  
22.27 in counties that are determined by the commissioner either to not be wildfire areas as  
22.28 defined in section 88.01, subdivision 6, or to otherwise have low potential for damage  
22.29 to life and property from wildfire. The commissioner shall consider the history of and  
22.30 potential for wildfire; the distribution of trees, brush, grasslands, and other vegetative  
22.31 material; and the distribution of property subject to damage from escaped fires. Upon a  
22.32 determination by the commissioner and adoption by a vote of the county board, permission  
22.33 for open burning is extended to all residents in the county without the need for individual  
22.34 written or electronic permits, provided burning conforms to all other provisions of this

23.1 chapter, including those related to responsibility to control and extinguish fires, no burning  
23.2 of prohibited materials, and liability for damages caused by violations of this chapter.

23.3 (d) Upon adoption of a general burning permit, a county must establish specific  
23.4 regulations by ordinance, to include at a minimum the time when and conditions under  
23.5 which fires may be started and burned. No ordinance may be less restrictive than state law.

23.6 (e) At any time when the commissioner or the county board determines that a general  
23.7 burning permit is no longer in the public interest, the general permit may be canceled by  
23.8 mutual agreement of the commissioner and the county board.

23.9 Sec. 40. Minnesota Statutes 2008, section 88.17, subdivision 3, is amended to read:

23.10 Subd. 3. **Special permits.** The following special permits are required at all times,  
23.11 including when the ground is snow-covered:

23.12 (a) **Fire training.** A permit to start a fire for the instruction and training of  
23.13 firefighters, including liquid fuels training, may be given by the commissioner or agent of  
23.14 the commissioner. Except for owners or operators conducting fire training in specialized  
23.15 industrial settings pursuant to applicable federal, state, or local standards, owners  
23.16 or operators conducting open burning for the purpose of instruction and training of  
23.17 firefighters with regard to structures must follow the techniques described in a document  
23.18 entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

23.19 (b) **Permanent tree and brush open burning sites.** A permit for the operation of  
23.20 a permanent tree and brush burning site may be given by the commissioner or agent of  
23.21 the commissioner. Applicants for a permanent open burning site permit shall submit a  
23.22 complete application on a form provided by the commissioner. Existing permanent tree  
23.23 and brush open burning sites must submit for a permit within 90 days of the passage of  
23.24 this statute for a burning permit. New site applications must be submitted at least 90  
23.25 days before the date of the proposed operation of the permanent open burning site. The  
23.26 application must be submitted to the commissioner and must contain:

23.27 (1) the name, address, and telephone number of all owners of the site proposed for  
23.28 use as the permanent open burning site;

23.29 (2) if the operator for the proposed permanent open burning site is different from the  
23.30 owner, the name, address, and telephone number of the operator;

23.31 (3) a general description of the materials to be burned, including the source and  
23.32 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,  
23.33 and provisions for smoke management; and

24.1 (4) a topographic or similarly detailed map of the site and surrounding area within  
 24.2 a one mile circumference showing all structures that might be affected by the operation  
 24.3 of the site.

24.4 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative  
 24.5 method such as chipping, composting, or other method shall be permitted to be burned  
 24.6 at a permanent open burning site. A permanent tree and brush open burning site must  
 24.7 be located and operated so as not to create a nuisance or endanger water quality. The  
 24.8 commissioner shall revoke the permit or order actions to mitigate threats to public health,  
 24.9 safety, and the environment in the event that permit conditions are violated.

24.10 Sec. 41. Minnesota Statutes 2008, section 88.79, subdivision 2, is amended to read:

24.11 Subd. 2. **Charge for service; receipts to special revenue fund.** Notwithstanding  
 24.12 section 16A.1283, the commissioner of natural resources may charge the owner, by written  
 24.13 order published in the State Register, establish fees the commissioner determines to be  
 24.14 fair and reasonable that are charged to owners receiving such services such sums as the  
 24.15 commissioner shall determine to be fair and reasonable under subdivision 1. The charges  
 24.16 must account for differences in the value of timber and other benefits. The receipts from  
 24.17 such services shall be credited to the special revenue fund and are annually appropriated to  
 24.18 the commissioner for the purposes specified in subdivision 1.

24.19 Sec. 42. Minnesota Statutes 2008, section 89.17, is amended to read:

24.20 **89.17 LEASES AND PERMITS.**

24.21 Notwithstanding the permit procedures of chapter 90, the commissioner shall have  
 24.22 power to grant and execute, in the name of the state, leases and permits for the use of  
 24.23 any forest lands under the authority of the commissioner for any purpose which in the  
 24.24 commissioner's opinion is not inconsistent with the maintenance and management of the  
 24.25 forest lands, on forestry principles for timber production. Every such lease or permit shall  
 24.26 be revocable at the discretion of the commissioner at any time subject to such conditions  
 24.27 as may be agreed on in the lease. The approval of the commissioner of administration  
 24.28 shall not be required upon any such lease or permit. No such lease or permit for a period  
 24.29 exceeding ten 50 years shall be granted except with the approval of the Executive Council.

24.30 ~~Hunting of wild game is prohibited on any land which has been posted by the lessee~~  
 24.31 ~~to prohibit hunting. Such prohibition shall apply to all persons including the lessee~~ Public  
 24.32 access to the leased land for outdoor recreation shall be the same as access would be  
 24.33 under state management.

25.1 Sec. 43. Minnesota Statutes 2008, section 90.041, is amended by adding a subdivision  
25.2 to read:

25.3 Subd. 9. **Reoffering unsold timber.** To maintain and enhance forest ecosystems on  
25.4 state forest lands, the commissioner may reoffer timber tracts remaining unsold under the  
25.5 provisions of section 90.101 below appraised value at public auction with the required  
25.6 30-day notice under section 90.101, subdivision 2.

25.7 Sec. 44. Minnesota Statutes 2008, section 90.121, is amended to read:

25.8 **90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000**  
25.9 **CORDS.**

25.10 (a) The commissioner may sell the timber on any tract of state land in lots not  
25.11 exceeding 3,000 cords in volume, in the same manner as timber sold at public auction  
25.12 under section 90.101, and related laws, subject to the following special exceptions and  
25.13 limitations:

25.14 (1) the commissioner shall offer all tracts authorized for sale by this section  
25.15 separately from the sale of tracts of state timber made pursuant to section 90.101;

25.16 (2) no bidder may be awarded more than 25 percent of the total tracts offered at the  
25.17 first round of bidding unless fewer than four tracts are offered, in which case not more  
25.18 than one tract shall be awarded to one bidder. Any tract not sold at public auction may be  
25.19 offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible  
25.20 under this section at the appraised value; and

25.21 (3) no sale may be made to a person having more than ~~20~~ 30 employees. For the  
25.22 purposes of this clause, "employee" means an individual working in the timber or wood  
25.23 products industry for salary or wages on a full-time or part-time basis.

25.24 (b) The auction sale procedure set forth in this section constitutes an additional  
25.25 alternative timber sale procedure available to the commissioner and is not intended to  
25.26 replace other authority possessed by the commissioner to sell timber in lots of 3,000  
25.27 cords or less.

25.28 (c) Another bidder or the commissioner may request that the number of employees a  
25.29 bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the  
25.30 bidder may be ineligible due to exceeding the employee threshold. The commissioner  
25.31 shall request information from the commissioners of labor and industry and employment  
25.32 and economic development including the premiums paid by the bidder in question  
25.33 for workers' compensation insurance coverage for all employees of the bidder. The  
25.34 commissioner shall review the information submitted by the commissioners of labor and  
25.35 industry and employment and economic development and make a determination based on

26.1 that information as to whether the bidder is eligible. A bidder is considered eligible and  
26.2 may participate in intermediate auctions until determined ineligible under this paragraph.

26.3 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2006.

26.4 Sec. 45. Minnesota Statutes 2008, section 90.14, is amended to read:

26.5 **90.14 AUCTION SALE PROCEDURE.**

26.6 (a) All state timber shall be offered and sold by the same unit of measurement as it  
26.7 was appraised. No tract shall be sold to any person other than the purchaser in whose name  
26.8 the bid was made. The commissioner may refuse to approve any and all bids received and  
26.9 cancel a sale of state timber for good and sufficient reasons.

26.10 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
26.11 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under  
26.12 section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent  
26.13 of the appraised value. In case any purchaser fails to make such payment, the purchaser  
26.14 shall be liable therefor to the state in a civil action, and the commissioner may reoffer the  
26.15 timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor  
26.16 had been made.

26.17 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of  
26.18 state timber may, at the time of payment by the purchaser to the commissioner of 15  
26.19 percent of the appraised value, elect in writing on a form prescribed by the attorney  
26.20 general to purchase a permit based solely on the appraiser's estimate of the volume of  
26.21 timber described in the permit, provided that the commissioner has expressly designated  
26.22 the availability of such option for that tract on the list of tracts available for sale as  
26.23 required under section 90.101. A purchaser who elects in writing on a form prescribed  
26.24 by the attorney general to purchase a permit based solely on the appraiser's estimate of  
26.25 the volume of timber described on the permit does not have recourse to the provisions  
26.26 of section 90.281.

26.27 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
26.28 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
26.29 percent of the appraised value ~~within ten business days of receiving a written award~~  
26.30 notice that must be received or postmarked within 14 days of the date of the sealed bid  
26.31 opening. If a purchaser fails to make the down payment, the purchaser is liable for the  
26.32 down payment to the state and the commissioner may offer the timber for sale to the next  
26.33 highest bidder as though no higher bid had been made.

27.1 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
 27.2 issued under section 90.151, the commissioner shall require the purchaser shall to make  
 27.3 a bid guarantee payment to the commissioner in an amount equal to 15 percent of the  
 27.4 total purchase price of the permit less the down payment amount required by paragraph  
 27.5 (b) for any bid increase in excess of \$5,000 of the appraised value. If ~~the~~ a required bid  
 27.6 guarantee payment is not submitted with the signed permit, no harvesting may occur, the  
 27.7 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee  
 27.8 payment forfeits to the state if the purchaser and successors in interest fail to execute  
 27.9 an effective permit.

27.10 Sec. 46. **[97A.072] PEACE OFFICER TRAINING ACCOUNT.**

27.11 Subdivision 1. Account established; sources. The peace officer training account is  
 27.12 created in the game and fish fund in the state treasury. Revenue from the portion of the  
 27.13 surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7,  
 27.14 clause (1), shall be deposited in the account and is appropriated to the commissioner.  
 27.15 Money in the account may be spent only for the purposes provided in subdivision 2.

27.16 Subd. 2. Purposes of account. Money in the peace officer training account  
 27.17 may only be spent by the commissioner for peace officer training for employees of the  
 27.18 Department of Natural Resources who are licensed under sections 626.84 to 626.863  
 27.19 to enforce game and fish laws.

27.20 Sec. 47. Minnesota Statutes 2008, section 103A.305, is amended to read:

27.21 **103A.305 JURISDICTION.**

27.22 Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding  
 27.23 involves a question of water policy in one or more of the areas of water conservation, water  
 27.24 pollution, preservation and management of wildlife, drainage, soil conservation, public  
 27.25 recreation, forest management, and municipal planning under section 97A.135; 103A.411;  
 27.26 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295;~~  
 27.27 ~~subdivisions 1 and 2;~~ 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10,  
 27.28 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

27.29 Sec. 48. Minnesota Statutes 2008, section 103F.325, is amended by adding a  
 27.30 subdivision to read:

27.31 Subd. 6. District boundary adjustments. (a) Notwithstanding subdivision 1, the  
 27.32 commissioner may, by written order, amend the boundary of the designated area according  
 27.33 to this subdivision. At least 30 days prior to issuing the order, the commissioner must

28.1 give notice of the proposed boundary amendment to the local governmental unit and  
 28.2 property owners in the designated area directly affected by the amendment and publish  
 28.3 notice in an official newspaper of general circulation in the county. The commissioner  
 28.4 must consider comments received on the proposed boundary amendment and must make  
 28.5 findings and issue a written order. The findings must address the consistency of the  
 28.6 proposed amendment with the values for which the river was included in the system, and  
 28.7 potential impacts to the scenic, recreational, natural, historical, and scientific values of the  
 28.8 land and water within the designated area.

28.9 (b) The commissioner's order is effective 30 days after issuing the order. Before  
 28.10 the effective date, a local unit of government with jurisdiction in the affected area may  
 28.11 contest the order under chapter 14.

28.12 (c) Boundary amendments under this subdivision remain subject to the acreage  
 28.13 limitations in this section.

28.14 Sec. 49. Minnesota Statutes 2008, section 103F.335, subdivision 1, is amended to read:

28.15 Subdivision 1. **Compliance of ordinances with system.** (a) Within six months after  
 28.16 establishment of a wild, scenic, or recreational river system, or within six months after  
 28.17 revision of the management plan, each local governmental unit with jurisdiction over a  
 28.18 portion of the system shall adopt or amend its ordinances and land use district maps  
 28.19 to the extent necessary to substantially comply with the standards and criteria of the  
 28.20 commissioner and the management plan.

28.21 (b) If a local government fails to adopt ~~adequate~~ substantially compliant ordinances,  
 28.22 maps, or amendments within six months, the commissioner shall adopt the ordinances,  
 28.23 maps, or amendments in the manner and with the effect specified in section 103F.215.

28.24 (c) The commissioner shall assist local governments in the preparation,  
 28.25 implementation, and enforcement of the ordinances.

28.26 Sec. 50. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

28.27 **103G.201 PUBLIC WATERS INVENTORY.**

28.28 (a) The commissioner shall maintain a public waters inventory map of each county  
 28.29 that shows the waters of this state that are designated as public waters under the public  
 28.30 waters inventory and classification procedures prescribed under Laws 1979, chapter  
 28.31 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters  
 28.32 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send  
 28.33 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

29.1 (b) The commissioner is authorized to revise the ~~list~~ map of public waters established  
29.2 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously  
29.3 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as  
29.4 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify  
29.5 public waters wetlands as public waters if:

29.6 (1) they are assigned a shoreland management classification by the commissioner  
29.7 under sections 103F.201 to 103F.221;

29.8 (2) they are classified as lacustrine wetlands or deepwater habitats according to  
29.9 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,  
29.10 et al., 1979 edition); or

29.11 (3) the state or federal government has become titleholder to any of the beds or  
29.12 shores of the public waters wetlands, subsequent to the preparation of the public waters  
29.13 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the  
29.14 responsible state or federal agency declares that the water is necessary for the purposes  
29.15 of the public ownership.

29.16 (c) The commissioner must provide notice of the reclassification to the local  
29.17 government unit, the county board, the watershed district, if one exists for the area, and  
29.18 the soil and water conservation district. Within 60 days of receiving notice from the  
29.19 commissioner, a party required to receive the notice may provide a resolution stating  
29.20 objections to the reclassification. If the commissioner receives an objection from a party  
29.21 required to receive the notice, the reclassification is not effective. If the commissioner does  
29.22 not receive an objection from a party required to receive the notice, the reclassification  
29.23 of a wetland under paragraph (b) is effective 60 days after the notice is received by all  
29.24 of the parties.

29.25 (d) The commissioner shall give priority to the reclassification of public waters  
29.26 wetlands that are or have the potential to be affected by public works projects.

29.27 (e) The commissioner may revise the public waters inventory map ~~and list~~ of each  
29.28 county:

29.29 (1) to reflect the changes authorized in paragraph (b); and

29.30 (2) as needed, to:

29.31 (i) correct errors in the original inventory;

29.32 (ii) add or subtract trout stream tributaries within sections that contain a designated  
29.33 trout stream following written notice to the landowner;

29.34 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds  
29.35 50 acres and the shoreland has been zoned for residential development; and

30.1 (iv) add or subtract public waters that have been created or eliminated as a  
30.2 requirement of a permit authorized by the commissioner under section 103G.245.

30.3 Sec. 51. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

30.4 Subd. 3. **Permit restriction during summer months.** The commissioner must not  
30.5 modify or restrict the amount of appropriation from a groundwater source authorized in a  
30.6 water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision~~  
30.7 ~~2~~, between May 1 and October 1, unless the commissioner determines the authorized  
30.8 amount of appropriation endangers a domestic water supply.

30.9 Sec. 52. **[103G.282] MONITORING TO EVALUATE IMPACTS FROM**  
30.10 **APPROPRIATIONS.**

30.11 Subdivision 1. **Monitoring equipment.** The commissioner may require the  
30.12 installation and maintenance of monitoring equipment to evaluate water resource impacts  
30.13 from permitted appropriations and proposed projects that require a permit. Monitoring for  
30.14 water resources that supply more than one appropriator must be designed to minimize  
30.15 costs to individual appropriators.

30.16 Subd. 2. **Measuring devices required.** Monitoring installations required under  
30.17 subdivision 1 must be equipped with automated measuring devices to measure water  
30.18 levels, flows, or conditions. The commissioner may determine the frequency of  
30.19 measurements and other measuring methods based on the quantity of water appropriated  
30.20 or used, the source of water, potential connections to other water resources, the method  
30.21 of appropriating or using water, seasonal and long-term changes in water levels, and any  
30.22 other facts supplied to the commissioner.

30.23 Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision  
30.24 2 must be kept for each installation. The measurements must be reported annually to the  
30.25 commissioner on or before February 15 of the following year in a format or on forms  
30.26 prescribed by the commissioner.

30.27 (b) The owner or person in charge of an installation for appropriating or using  
30.28 waters of the state or a proposal that requires a permit is responsible for all costs related  
30.29 to establishing and maintaining monitoring installations and to measuring and reporting  
30.30 data. Monitoring costs for water resources that supply more than one appropriator may be  
30.31 distributed among all users within a monitoring area determined by the commissioner and  
30.32 assessed based on volumes of water appropriated and proximity to resources of concern.

30.33 Sec. 53. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

31.1 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water  
31.2 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~  
31.3 97C.005 must be limited to temporary appropriations.

31.4 Sec. 54. **[103G.287] GROUNDWATER APPROPRIATIONS.**

31.5 Subdivision 1. **Applications for groundwater appropriations.** (a) Groundwater  
31.6 use permit applications are not complete until the applicant has supplied:

31.7 (1) a water well record as required by section 103I.205, subdivision 9, information  
31.8 on the subsurface geologic formations penetrated by the well and the formation or aquifer  
31.9 that will serve as the water source, and geologic information from test holes drilled to  
31.10 locate the site of the production well;

31.11 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being  
31.12 requested;

31.13 (3) information on groundwater quality in terms of the measures of quality  
31.14 commonly specified for the proposed water use and details on water treatment necessary  
31.15 for the proposed use;

31.16 (4) an inventory of existing wells within 1-1/2 miles of the proposed production well  
31.17 or within the area of influence, as determined by the commissioner. The inventory must  
31.18 include information on well locations, depths, geologic formations, depth of the pump or  
31.19 intake, pumping and nonpumping water levels, and details of well construction; and

31.20 (5) the results of an aquifer test completed according to specifications approved by  
31.21 the commissioner. The test must be conducted at the maximum pumping rate requested  
31.22 in the application and for a length of time adequate to assess or predict impacts to other  
31.23 wells and surface water and groundwater resources. The permit applicant is responsible  
31.24 for all costs related to the aquifer test, including the construction of groundwater and  
31.25 surface water monitoring installations, and water level readings before, during, and after  
31.26 the aquifer test.

31.27 (b) The commissioner may waive an application requirement in this subdivision  
31.28 if the information provided with the application is adequate to determine whether the  
31.29 proposed appropriation and use of water is sustainable and will protect ecosystems, water  
31.30 quality, and the ability of future generations to meet their own needs.

31.31 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations  
31.32 that have potential impacts to surface waters are subject to applicable provisions in  
31.33 section 103G.285.

31.34 Subd. 3. **Protection of groundwater supplies.** The commissioner may establish  
31.35 water appropriation limits to protect groundwater resources. When establishing water

32.1 appropriation limits to protect groundwater resources, the commissioner must consider  
 32.2 the sustainability of the groundwater resource, including the current and projected water  
 32.3 levels, water quality, whether the use protects ecosystems, and the ability of future  
 32.4 generations to meet their own needs.

32.5 Subd. 4. **Groundwater management areas.** The commissioner may designate  
 32.6 groundwater management areas and limit total annual water appropriations and uses within  
 32.7 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
 32.8 quality, and the ability of future generations to meet their own needs. Water appropriations  
 32.9 and uses within a designated management area must be consistent with a plan approved by  
 32.10 the commissioner that addresses water conservation requirements and water allocation  
 32.11 priorities established in section 103G.261.

32.12 Subd. 5. **Interference with other wells.** The commissioner may issue water use  
 32.13 permits for appropriation from groundwater only if the commissioner determines that the  
 32.14 groundwater use is sustainable to supply the needs of future generations and the proposed  
 32.15 use will not harm ecosystems, degrade water, or reduce water levels beyond the reach  
 32.16 of public water supply and private domestic wells constructed according to Minnesota  
 32.17 Rules, chapter 4725.

32.18 Sec. 55. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

32.19 Subd. 6. **Filing application.** ~~(a)~~ An application for a permit must be filed with the  
 32.20 commissioner and if the proposed activity for which the permit is requested is within a  
 32.21 municipality, or is within or affects a watershed district or a soil and water conservation  
 32.22 district, a copy of the application with maps, plans, and specifications must be served on  
 32.23 the mayor of the municipality, the secretary of the board of managers of the watershed  
 32.24 district, and the secretary of the board of supervisors of the soil and water conservation  
 32.25 district.

32.26 ~~(b) If the application is required to be served on a local governmental unit under~~  
 32.27 ~~this subdivision, proof of service must be included with the application and filed with~~  
 32.28 ~~the commissioner.~~

32.29 Sec. 56. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

32.30 Subd. 2. **Exception.** The requirements of subdivision 1 do not apply to applications  
 32.31 for a water use permit for:

32.32 ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~

32.33 ~~(2) appropriations for diversion from the basin of origin of more than 2,000,000~~  
 32.34 ~~gallons per day average in a 30-day period; or~~

33.1 ~~(3)~~ (2) appropriations with a consumptive use of more than 2,000,000 gallons per  
 33.2 day average for a 30-day period.

33.3 Sec. 57. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to  
 33.4 read:

33.5 Subd. 11. **Limitations on permits.** (a) Except as otherwise expressly provided by  
 33.6 law, a permit issued by the commissioner under this chapter is subject to:

33.7 (1) cancellation by the commissioner at any time if necessary to protect the public  
 33.8 interests;

33.9 (2) further conditions on the term of the permit or its cancellation as the  
 33.10 commissioner may prescribe and amend and reissue the permit; and

33.11 (3) applicable law existing before or after the issuance of the permit.

33.12 (b) Permits issued to irrigate agricultural land ~~under section 103G.295, or considered~~  
 33.13 ~~issued~~, are subject to this subdivision and are subject to cancellation by the commissioner  
 33.14 upon the recommendation of the supervisors of the soil and water conservation district  
 33.15 where the land to be irrigated is located.

33.16 Sec. 58. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

33.17 Subd. 5. **Removal of hazardous dams.** Notwithstanding any provision of  
 33.18 this section or of section 103G.511 relating to cost sharing or apportionment, the  
 33.19 commissioner, within the limits of legislative appropriation, may assume or pay the entire  
 33.20 cost of removal of a privately or publicly owned dam upon determining removal provides  
 33.21 the lowest cost solution and:

33.22 (1) that continued existence of the structure presents a significant public safety  
 33.23 hazard, or prevents restoration of an important fisheries resource; or

33.24 (2) that public or private property is being damaged due to partial failure of the  
 33.25 structure, and that an attempt to assess costs of removal against the private or public  
 33.26 owner would be of no avail.

33.27 Sec. 59. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.**

33.28 The commissioner of natural resources must not issue leases to remove sunken logs  
 33.29 or issue permits for the removal of sunken logs from public waters.

33.30 Sec. 60. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision  
 33.31 to read:

34.1 Subd. 13. Subsurface sewage treatment systems implementation and  
34.2 enforcement task force. (a) By September 1, 2010, the agency shall appoint a subsurface  
34.3 sewage treatment systems implementation and enforcement task force in collaboration  
34.4 with the Association of Minnesota Counties, Minnesota Association of Realtors,  
34.5 Minnesota Association of County Planning and Zoning Administrators, and the Minnesota  
34.6 Onsite Wastewater Association. The agency shall work in collaboration with the task  
34.7 force to develop effective and timely implementation and enforcement methods in order to  
34.8 rapidly reduce the number of subsurface sewage treatment systems that are an imminent  
34.9 threat to public health or safety and effectively enforce all violations of the subsurface  
34.10 sewage treatment system rules. The agency shall meet at least three times per year with  
34.11 the task force to address implementation and enforcement issues. The meetings shall be  
34.12 scheduled so that they do not interfere with the construction season.

34.13 (b) The agency, in collaboration with the task force and in consultation with the  
34.14 attorney general, county attorneys, and county planning and zoning staff, shall develop,  
34.15 periodically update, and provide to counties enforcement protocols and a checklist that  
34.16 county inspectors, field staff, and others may use when inspecting subsurface sewage  
34.17 treatment systems and enforcing subsurface sewage treatment system rules.

34.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.19 Sec. 61. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

34.20 Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14,  
34.21 and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind  
34.22 rules and standards having the force of law relating to any purpose within the provisions  
34.23 of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution.  
34.24 Any such rule or standard may be of general application throughout the state, or may be  
34.25 limited as to times, places, circumstances, or conditions in order to make due allowance  
34.26 for variations therein. Without limitation, rules or standards may relate to sources or  
34.27 emissions of air contamination or air pollution, to the quality or composition of such  
34.28 emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or  
34.29 to any other matter relevant to the prevention, abatement, or control of air pollution.

34.30 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the  
34.31 Pollution Control Agency may adopt, amend, and rescind rules and standards having  
34.32 the force of law relating to any purpose within the provisions of Laws 1969, chapter  
34.33 1046, for the collection, transportation, storage, processing, and disposal of solid waste  
34.34 and the prevention, abatement, or control of water, air, and land pollution which may be  
34.35 related thereto, and the deposit in or on land of any other material that may tend to cause

35.1 pollution. The agency shall adopt such rules and standards for sewage sludge, addressing  
35.2 the intrinsic suitability of land, the volume and rate of application of sewage sludge of  
35.3 various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.  
35.4 Any such rule or standard may be of general application throughout the state or may be  
35.5 limited as to times, places, circumstances, or conditions in order to make due allowance  
35.6 for variations therein. Without limitation, rules or standards may relate to collection,  
35.7 transportation, processing, disposal, equipment, location, procedures, methods, systems  
35.8 or techniques or to any other matter relevant to the prevention, abatement or control of  
35.9 water, air, and land pollution which may be advised through the control of collection,  
35.10 transportation, processing, and disposal of solid waste and sewage sludge, and the deposit  
35.11 in or on land of any other material that may tend to cause pollution. By January 1, 1983,  
35.12 the rules for the management of sewage sludge shall include an analysis of the sewage  
35.13 sludge determined by the commissioner of agriculture to be necessary to meet the soil  
35.14 amendment labeling requirements of section 18C.215. The rules for the disposal of  
35.15 solid waste shall include site-specific criteria to prohibit solid waste disposal based on  
35.16 the area's sensitivity to groundwater contamination, including site-specific testing. The  
35.17 rules shall provide criteria to prohibit locating landfills based on a site's sensitivity to  
35.18 groundwater contamination. Sensitivity to groundwater contamination is based on the  
35.19 predicted minimum time of travel of groundwater contaminants from the solid waste to  
35.20 the compliance boundary. The rules shall prohibit landfills in areas where karst is likely  
35.21 to develop. The rules shall specify testable or otherwise objective thresholds for these  
35.22 criteria. The rules shall also include modifications to financial assurance requirements  
35.23 under subdivision 4h that ensure the state is protected from financial responsibility for  
35.24 future groundwater contamination. The financial assurance and siting modifications to  
35.25 the rules specified in this act do not apply to solid waste facilities initially permitted  
35.26 before January 1, 2011, including future contiguous expansions and noncontiguous  
35.27 expansions within 600 yards of a permitted boundary. The rule modification shall not  
35.28 affect solid waste disposal facilities that accept only construction and demolition debris  
35.29 and incidental nonrecyclable packaging, and facilities that accept only industrial waste  
35.30 that is limited to wood, concrete, porcelain fixtures, shingles, or window glass resulting  
35.31 from the manufacture of construction materials. The rule amendment shall not require  
35.32 new siting or financial assurance requirements for permit by rule solid waste disposal  
35.33 facilities. The modifications to the financial assurance rules specified in this act must  
35.34 require that a solid waste disposal facility subject to them maintain financial assurance  
35.35 so long as the facility poses a potential environmental risk to human health, wildlife, or  
35.36 the environment, as determined by the agency following an empirical assessment. Until

36.1 the rules are modified to include site-specific criteria to prohibit areas from solid waste  
36.2 disposal due to groundwater contamination sensitivity, as required under this section, the  
36.3 agency shall not issue a permit for a new solid waste disposal facility, except for:

36.4 (1) the reissuance of a permit for a land disposal facility operating as of March  
36.5 1, 2008;

36.6 (2) a permit to expand a land disposal facility operating as of March 1, 2008, beyond  
36.7 its permitted boundaries, including expansion on land that is not contiguous to, but is  
36.8 located within 600 yards of, the land disposal facility's permitted boundaries;

36.9 (3) a permit to modify the type of waste accepted at a land disposal facility operating  
36.10 as of March 1, 2008;

36.11 (4) a permit to locate a disposal facility that accepts only construction debris as  
36.12 defined in section 115A.03, subdivision 7;

36.13 (5) a permit to locate a disposal facility that:

36.14 (i) accepts boiler ash from an electric energy power plant that has wet scrubbed units  
36.15 or has units that have been converted from wet scrubbed units to dry scrubbed units as  
36.16 those terms are defined in section 216B.68;

36.17 (ii) is on land that was owned on May 1, 2008, by the utility operating the electric  
36.18 energy power plant; and

36.19 (iii) is located within three miles of the existing ash disposal facility for the power  
36.20 plant; or

36.21 (6) a permit to locate a new solid waste disposal facility for ferrous metallic minerals  
36.22 regulated under Minnesota Rules, chapter 6130, or for nonferrous metallic minerals  
36.23 regulated under Minnesota Rules, chapter 6132.

36.24 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the  
36.25 Pollution Control Agency may adopt, amend and rescind rules and standards having the  
36.26 force of law relating to any purpose within the provisions of Laws 1971, chapter 727, for  
36.27 the prevention, abatement, or control of noise pollution. Any such rule or standard may  
36.28 be of general application throughout the state, or may be limited as to times, places,  
36.29 circumstances or conditions in order to make due allowances for variations therein.

36.30 Without limitation, rules or standards may relate to sources or emissions of noise or noise  
36.31 pollution, to the quality or composition of noises in the natural environment, or to any  
36.32 other matter relevant to the prevention, abatement, or control of noise pollution.

36.33 As to any matters subject to this chapter, local units of government may set emission  
36.34 regulations with respect to stationary sources which are more stringent than those set  
36.35 by the Pollution Control Agency.

37.1 Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind  
37.2 rules and standards having the force of law relating to any purpose within the provisions of  
37.3 this chapter for generators of hazardous waste, the management, identification, labeling,  
37.4 classification, storage, collection, treatment, transportation, processing, and disposal  
37.5 of hazardous waste and the location of hazardous waste facilities. A rule or standard  
37.6 may be of general application throughout the state or may be limited as to time, places,  
37.7 circumstances, or conditions. In implementing its hazardous waste rules, the Pollution  
37.8 Control Agency shall give high priority to providing planning and technical assistance  
37.9 to hazardous waste generators. The agency shall assist generators in investigating the  
37.10 availability and feasibility of both interim and long-term hazardous waste management  
37.11 methods. The methods shall include waste reduction, waste separation, waste processing,  
37.12 resource recovery, and temporary storage.

37.13 The Pollution Control Agency shall give highest priority in the consideration of  
37.14 permits to authorize disposal of diseased shade trees by open burning at designated sites to  
37.15 evidence concerning economic costs of transportation and disposal of diseased shade trees  
37.16 by alternative methods.

37.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.18 Sec. 62. Minnesota Statutes 2008, section 116.07, subdivision 4h, is amended to read:

37.19 Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring  
37.20 the operator or owner of a solid waste disposal facility to submit to the agency proof  
37.21 of the operator's or owner's financial capability to provide reasonable and necessary  
37.22 response during the operating life of the facility and for 30 years after closure for a mixed  
37.23 municipal solid waste disposal facility or for a minimum of 20 years after closure, as  
37.24 determined by agency rules, for any other solid waste disposal facility, and to provide for  
37.25 the closure of the facility and postclosure care required under agency rules. Proof of  
37.26 financial responsibility is required of the operator or owner of a facility receiving an  
37.27 original permit or a permit for expansion after adoption of the rules. Within 180 days of  
37.28 the effective date of the rules or by July 1, 1987, whichever is later, proof of financial  
37.29 responsibility is required of an operator or owner of a facility with a remaining capacity of  
37.30 more than five years or 500,000 cubic yards that is in operation at the time the rules are  
37.31 adopted. Compliance with the rules and the requirements of paragraph (b) is a condition  
37.32 of obtaining or retaining a permit to operate the facility.

37.33 (b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary  
37.34 district, that owns or operates a solid waste disposal facility that was in operation on May  
37.35 15, 1989, may meet its financial responsibility for all or a portion of the contingency

38.1 action portion of the reasonable and necessary response costs at the facility by pledging its  
38.2 full faith and credit to meet its responsibility.

38.3 The pledge must be made in accordance with the requirements in chapter 475 for  
38.4 issuing bonds of the municipality, and the following additional requirements:

38.5 (1) The governing body of the municipality shall enact an ordinance that clearly  
38.6 accepts responsibility for the costs of contingency action at the facility and that reserves,  
38.7 during the operating life of the facility and for the time period required in paragraph (a)  
38.8 after closure, a portion of the debt limit of the municipality, as established under section  
38.9 475.53 or other law, that is equal to the total contingency action costs.

38.10 (2) The municipality shall require that all collectors that haul to the facility  
38.11 implement a plan for reducing solid waste by using volume-based pricing, recycling  
38.12 incentives, or other means.

38.13 (3) When a municipality opts to meet a portion of its financial responsibility by  
38.14 relying on its authority to issue bonds, it shall also begin setting aside in a dedicated  
38.15 long-term care trust fund money that will cover a portion of the potential contingency  
38.16 action costs at the facility, the amount to be determined by the agency for each facility  
38.17 based on at least the amount of waste deposited in the disposal facility each year, and the  
38.18 likelihood and potential timing of conditions arising at the facility that will necessitate  
38.19 response action. The agency may not require a municipality to set aside more than five  
38.20 percent of the total cost in a single year.

38.21 (4) A municipality shall have and consistently maintain an investment grade bond  
38.22 rating as a condition of using bonding authority to meet financial responsibility under  
38.23 this section.

38.24 (5) The municipality shall file with the commissioner of revenue its consent to have  
38.25 the amount of its contingency action costs deducted from state aid payments otherwise  
38.26 due the municipality and paid instead to the remediation fund created in section 116.155,  
38.27 if the municipality fails to conduct the contingency action at the facility when ordered  
38.28 by the agency. If the agency notifies the commissioner that the municipality has failed to  
38.29 conduct contingency action when ordered by the agency, the commissioner shall deduct  
38.30 the amounts indicated by the agency from the state aids in accordance with the consent  
38.31 filed with the commissioner.

38.32 (6) The municipality shall file with the agency written proof that it has complied  
38.33 with the requirements of paragraph (b).

38.34 (c) The method for proving financial responsibility under paragraph (b) may not be  
38.35 applied to a new solid waste disposal facility or to expansion of an existing facility, unless

39.1 the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities  
39.2 cannot be permitted for a duration of longer than three years.

39.3 (d) The commissioner shall consult with the commissioner of management and  
39.4 budget for guidance on the forms of financial assurance that are acceptable for private  
39.5 owners and public owners, and in carrying out a periodic review of the adequacy of  
39.6 financial assurance for solid waste disposal facilities. Financial assurance rules shall  
39.7 allow financial mechanisms to public owners of solid waste disposal facilities that are  
39.8 appropriate to their status as subdivisions of the state.

39.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

39.10 Sec. 63. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

39.11 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
39.12 effects resulting from any major governmental action, the action shall be preceded by a  
39.13 detailed environmental impact statement prepared by the responsible governmental unit.  
39.14 The environmental impact statement shall be an analytical rather than an encyclopedic  
39.15 document which describes the proposed action in detail, analyzes its significant  
39.16 environmental impacts, discusses appropriate alternatives to the proposed action and  
39.17 their impacts, and explores methods by which adverse environmental impacts of an  
39.18 action could be mitigated. The environmental impact statement shall also analyze those  
39.19 economic, employment and sociological effects that cannot be avoided should the action  
39.20 be implemented. To ensure its use in the decision-making process, the environmental  
39.21 impact statement shall be prepared as early as practical in the formulation of an action.  
39.22 No mandatory environmental impact statement may be required for an ethanol plant,  
39.23 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
39.24 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
39.25 metropolitan area.

39.26 (a) The board shall by rule establish categories of actions for which environmental  
39.27 impact statements and for which environmental assessment worksheets shall be prepared  
39.28 as well as categories of actions for which no environmental review is required under  
39.29 this section.

39.30 (b) The responsible governmental unit shall promptly publish notice of the  
39.31 completion of an environmental assessment worksheet in a manner to be determined by  
39.32 the board and shall provide copies of the environmental assessment worksheet to the board  
39.33 and its member agencies. Comments on the need for an environmental impact statement  
39.34 may be submitted to the responsible governmental unit during a 30 day period following  
39.35 publication of the notice that an environmental assessment worksheet has been completed.

40.1 The responsible governmental unit's decision on the need for an environmental impact  
40.2 statement shall be based on the environmental assessment worksheet and the comments  
40.3 received during the comment period, and shall be made within 15 days after the close of  
40.4 the comment period. The board's chair may extend the 15 day period by not more than 15  
40.5 additional days upon the request of the responsible governmental unit.

40.6 (c) An environmental assessment worksheet shall also be prepared for a proposed  
40.7 action whenever material evidence accompanying a petition by not less than 25  
40.8 individuals, submitted before the proposed project has received final approval by the  
40.9 appropriate governmental units, demonstrates that, because of the nature or location of a  
40.10 proposed action, there may be potential for significant environmental effects. Petitions  
40.11 requesting the preparation of an environmental assessment worksheet shall be submitted to  
40.12 the board. The chair of the board shall determine the appropriate responsible governmental  
40.13 unit and forward the petition to it. A decision on the need for an environmental assessment  
40.14 worksheet shall be made by the responsible governmental unit within 15 days after the  
40.15 petition is received by the responsible governmental unit. The board's chair may extend  
40.16 the 15 day period by not more than 15 additional days upon request of the responsible  
40.17 governmental unit.

40.18 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
40.19 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
40.20 review under this chapter and rules of the board, if:

40.21 (1) the proposed action is:

40.22 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

40.23 (ii) an expansion of an existing animal feedlot facility with a total cumulative  
40.24 capacity of less than 1,000 animal units;

40.25 (2) the application for the animal feedlot facility includes a written commitment by  
40.26 the proposer to design, construct, and operate the facility in full compliance with Pollution  
40.27 Control Agency feedlot rules; and

40.28 (3) the county board holds a public meeting for citizen input at least ten business  
40.29 days prior to the Pollution Control Agency or county issuing a feedlot permit for the  
40.30 animal feedlot facility unless another public meeting for citizen input has been held with  
40.31 regard to the feedlot facility to be permitted. The exemption in this paragraph is in  
40.32 addition to other exemptions provided under other law and rules of the board.

40.33 (e) The board may, prior to final approval of a proposed project, require preparation  
40.34 of an environmental assessment worksheet by a responsible governmental unit selected  
40.35 by the board for any action where environmental review under this section has not been  
40.36 specifically provided for by rule or otherwise initiated.

41.1 (f) An early and open process shall be utilized to limit the scope of the environmental  
41.2 impact statement to a discussion of those impacts, which, because of the nature or location  
41.3 of the project, have the potential for significant environmental effects. The same process  
41.4 shall be utilized to determine the form, content and level of detail of the statement as well  
41.5 as the alternatives which are appropriate for consideration in the statement. In addition,  
41.6 the permits which will be required for the proposed action shall be identified during the  
41.7 scoping process. Further, the process shall identify those permits for which information  
41.8 will be developed concurrently with the environmental impact statement. The board  
41.9 shall provide in its rules for the expeditious completion of the scoping process. The  
41.10 determinations reached in the process shall be incorporated into the order requiring the  
41.11 preparation of an environmental impact statement.

41.12 (g) The responsible governmental unit shall, to the extent practicable, avoid  
41.13 duplication and ensure coordination between state and federal environmental review  
41.14 and between environmental review and environmental permitting. Whenever practical,  
41.15 information needed by a governmental unit for making final decisions on permits or  
41.16 other actions required for a proposed project shall be developed in conjunction with the  
41.17 preparation of an environmental impact statement.

41.18 (h) An environmental impact statement shall be prepared and its adequacy  
41.19 determined within 280 days after notice of its preparation unless the time is extended by  
41.20 consent of the parties or by the governor for good cause. The responsible governmental  
41.21 unit shall determine the adequacy of an environmental impact statement, unless within 60  
41.22 days after notice is published that an environmental impact statement will be prepared,  
41.23 the board chooses to determine the adequacy of an environmental impact statement. If an  
41.24 environmental impact statement is found to be inadequate, the responsible governmental  
41.25 unit shall have 60 days to prepare an adequate environmental impact statement.

41.26 Sec. 64. Minnesota Statutes 2008, section 116D.04, is amended by adding a  
41.27 subdivision to read:

41.28 Subd. 14. **Customized environmental assessment worksheet forms; electronic**  
41.29 **submission.** (a) The commissioners of natural resources and the Pollution Control  
41.30 Agency and the board shall periodically review mandatory environmental assessment  
41.31 worksheet categories under rules adopted under this section, and other project types that  
41.32 are frequently subject to environmental review, and develop customized environmental  
41.33 assessment worksheet forms for the category or project type. The forms must include  
41.34 specific questions that focus on key environmental issues for the category or project type.  
41.35 In assessing categories and project types and developing forms, the board shall seek

42.1 the input of governmental units that are frequently responsible for the preparation of a  
 42.2 worksheet for the particular category or project type. The commissioners and the board  
 42.3 shall also seek input from the general public on the development of customized forms.  
 42.4 The commissioners and board shall make the customized forms available online.

42.5 (b) The commissioners of natural resources and the Pollution Control Agency shall  
 42.6 allow for the electronic submission of environmental assessment worksheets and permits.

42.7 Sec. 65. Minnesota Statutes 2008, section 290.431, is amended to read:

42.8 **290.431 NONGAME WILDLIFE CHECKOFF.**

42.9 Every individual who files an income tax return or property tax refund claim form  
 42.10 may designate on their original return that \$1 or more shall be added to the tax or deducted  
 42.11 from the refund that would otherwise be payable by or to that individual and paid into an  
 42.12 account to be established for the management of nongame wildlife. The commissioner  
 42.13 of revenue shall, on the income tax return and the property tax refund claim form, notify  
 42.14 filers of their right to designate that a portion of their tax or refund shall be paid into  
 42.15 the nongame wildlife management account. The sum of the amounts so designated to  
 42.16 be paid shall be credited to the nongame wildlife management account for use by the  
 42.17 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All  
 42.18 interest earned on money accrued, gifts to the program, contributions to the program, and  
 42.19 reimbursements of expenditures in the nongame wildlife management account shall be  
 42.20 credited to the account by the commissioner of management and budget, except that  
 42.21 gifts or contributions received directly by the commissioner of natural resources and  
 42.22 directed by the contributor for use in specific nongame field projects or geographic  
 42.23 areas shall be handled according to section 84.085, subdivision 1. The commissioner  
 42.24 of natural resources shall submit a work program for each fiscal year and semiannual  
 42.25 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the  
 42.26 form determined by the commission. ~~None of the money provided in this section may be~~  
 42.27 ~~expended unless the commission has approved the work program.~~

42.28 The state pledges and agrees with all contributors to the nongame wildlife  
 42.29 management account to use the funds contributed solely for the management of nongame  
 42.30 wildlife projects and further agrees that it will not impose additional conditions or  
 42.31 restrictions that will limit or otherwise restrict the ability of the commissioner of natural  
 42.32 resources to use the available funds for the most efficient and effective management of  
 42.33 nongame wildlife. The commissioner may use funds appropriated for nongame wildlife  
 42.34 programs for the purpose of developing, preserving, restoring, and maintaining wintering  
 42.35 habitat for neotropical migrant birds in Latin America and the Caribbean under agreement

43.1 or contract with any nonprofit organization dedicated to the construction, maintenance, and  
 43.2 repair of such projects that are acceptable to the governmental agency having jurisdiction  
 43.3 over the land and water affected by the projects. Under this authority, the commissioner  
 43.4 may execute agreements and contracts if the commissioner determines that the use of the  
 43.5 funds will benefit neotropical migrant birds that breed in or migrate through the state.

43.6 Sec. 66. Minnesota Statutes 2008, section 290.432, is amended to read:

43.7 **290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

43.8 A corporation that files an income tax return may designate on its original return that  
 43.9 \$1 or more shall be added to the tax or deducted from the refund that would otherwise be  
 43.10 payable by or to that corporation and paid into the nongame wildlife management account  
 43.11 established by section 290.431 for use by ~~the section of wildlife in~~ the Department of  
 43.12 Natural Resources for its nongame wildlife program. The commissioner of revenue shall,  
 43.13 on the corporate tax return, notify filers of their right to designate that a portion of their  
 43.14 tax return be paid into the nongame wildlife management account for the protection of  
 43.15 endangered natural resources. All interest earned on money accrued, gifts to the program,  
 43.16 contributions to the program, and reimbursements of expenditures in the nongame wildlife  
 43.17 management account shall be credited to the account by the commissioner of management  
 43.18 and budget, except that gifts or contributions received directly by the commissioner of  
 43.19 natural resources and directed by the contributor for use in specific nongame field projects  
 43.20 or geographic areas shall be handled according to section 84.085, subdivision 1. The  
 43.21 commissioner of natural resources shall submit a work program for each fiscal year to  
 43.22 the Legislative-Citizen Commission on Minnesota Resources in the form determined by  
 43.23 the commission. ~~None of the money provided in this section may be spent unless the~~  
 43.24 ~~commission has approved the work program.~~

43.25 The state pledges and agrees with all corporate contributors to the nongame wildlife  
 43.26 account to use the funds contributed solely for the nongame wildlife program and further  
 43.27 agrees that it will not impose additional conditions or restrictions that will limit or  
 43.28 otherwise restrict the ability of the commissioner of natural resources to use the available  
 43.29 funds for the most efficient and effective management of those programs.

43.30 Sec. 67. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 7, is  
 43.31 amended to read:

43.32 Subd. 7. **Disbursement of surcharges by commissioner of management and**  
 43.33 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of

44.1 management and budget shall disburse surcharges received under subdivision 6 and  
44.2 section 97A.065, subdivision 2, as follows:

44.3 (1) beginning July 1, 2010, one percent shall be credited to the peace officer training  
44.4 account in the game and fish fund and appropriated to the commissioner of natural  
44.5 resources to provide peace officer training for employees of the Department of Natural  
44.6 Resources who are licensed under sections 626.84 to 626.863, and who possess peace  
44.7 officer authority for the purpose of enforcing game and fish laws;

44.8 (2) 39 percent shall be credited to the peace officers training account in the special  
44.9 revenue fund; and

44.10 (3) 60 percent shall be credited to the general fund.

44.11 (b) The commissioner of management and budget shall credit \$3 of each surcharge  
44.12 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

44.13 (c) In addition to any amounts credited under paragraph (a), the commissioner of  
44.14 management and budget shall credit \$47 of each surcharge received under subdivision 6  
44.15 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

44.16 (d) If the Ramsey County Board of Commissioners authorizes imposition of the  
44.17 additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator  
44.18 in the Second Judicial District shall transmit the surcharge to the commissioner of  
44.19 management and budget. The \$1 special surcharge is deposited in a Ramsey County  
44.20 surcharge account in the special revenue fund and amounts in the account are appropriated  
44.21 to the trial courts for the administration of the petty misdemeanor diversion program  
44.22 operated by the Second Judicial District Ramsey County Violations Bureau.

44.23 Sec. 68. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE**  
44.24 **BUDGET ANALYSIS.**

44.25 (a) The commissioner of natural resources, in consultation with the commissioner  
44.26 of management and budget, shall estimate the total amount of funding available from all  
44.27 sources for each of the following land management categories: wildlife management  
44.28 areas; state forests; scientific and natural areas; aquatic management areas; public water  
44.29 access sites; and prairie bank easements. The commissioner of natural resources shall  
44.30 prepare a ten-year budget analysis of the department's ongoing land management needs,  
44.31 including restoration of each parcel needing restoration. The analysis shall include:

44.32 (1) an analysis of the needs of wildlife management areas, including identification of  
44.33 internal systemwide guidelines on the proper frequency for activities such as controlled  
44.34 burns, tree and woody biomass removal, and brushland management;

45.1 (2) an analysis of state forest needs, including identification of internal systemwide  
45.2 guidelines on the proper frequency for forest management activities;

45.3 (3) an analysis of scientific and natural area needs, including identification of  
45.4 internal systemwide guidelines on the proper frequency for management activities;

45.5 (4) an analysis of aquatic management area needs, including identification of internal  
45.6 systemwide guidelines on the proper frequency for management activities; and

45.7 (5) an analysis of the needs of the state's public water access sites, including  
45.8 identification of internal systemwide guidelines on the proper frequency for management  
45.9 activities.

45.10 (b) The commissioner shall compare the estimate of the total amount of funding  
45.11 available to the department's ongoing management needs to determine:

45.12 (1) the amount necessary to manage, restore, and maintain existing wildlife  
45.13 management areas, state forests, scientific and natural areas, aquatic management areas,  
45.14 public water access sites, and prairie bank easements; and

45.15 (2) the amount necessary to expand upon the existing wildlife management areas,  
45.16 state forests, scientific and natural areas, aquatic management areas, public water access  
45.17 sites, and prairie bank easement programs, including the feasibility of the department's  
45.18 existing long-range plans, if applicable, for each program.

45.19 (c) The commissioner of natural resources shall submit the analysis to the chairs of  
45.20 the house of representatives and senate committees with jurisdiction over environment  
45.21 and natural resources finance and cultural and outdoor resources finance by November  
45.22 15, 2010.

45.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.24 **Sec. 69. SCHOOL TRUST LANDS STUDY.**

45.25 By July 15, 2010, the commissioner of natural resources shall provide to the chairs  
45.26 of the house of representatives and the senate committees and divisions with primary  
45.27 jurisdiction over natural resources finance and education finance information necessary  
45.28 to evaluate the effectiveness of the commissioner in managing school trust lands to  
45.29 successfully meet the goals contained in Minnesota Statutes, section 127A.31. The  
45.30 information to be provided shall include, but is not limited to:

45.31 (1) an accurate description of the school trust lands and their land classification;

45.32 (2) policies and procedures in place designed to meet the requirements of the  
45.33 fiduciary responsibility of the commissioner in management of the school trust lands; and

45.34 (3) financial information identifying the current revenues from the land  
45.35 classifications and the potential for future maximization of those revenues.

46.1 Sec. 70. COMPENSATION FOR PUBLIC ACCESS TO SCHOOL TRUST46.2 LAND.

46.3 By January 15, 2011, the commissioner of natural resources shall provide  
46.4 recommendations to the chairs of the house of representatives and the senate committees  
46.5 and divisions with primary jurisdiction over natural resources finance and education  
46.6 finance on a funding mechanism for compensating the permanent school trust fund for  
46.7 the public use of school trust lands for outdoor recreation.

46.8 Sec. 71. COON RAPIDS DAM COMMISSION.

46.9 Subdivision 1. Establishment. (a) The Coon Rapids Dam Commission is  
46.10 established to perform the duties specified in subdivision 2.

46.11 (b) The commission consists of 14 voting members and three nonvoting members  
46.12 as follows:

46.13 (1) two members of the house of representatives, appointed by the speaker of the  
46.14 house;

46.15 (2) one member of the senate appointed by the president of the senate;

46.16 (3) the commissioner of natural resources or the commissioner's designee;

46.17 (4) the commissioner of energy or the commissioner's designee;

46.18 (5) two representatives of Three Rivers Park District, appointed by the Three Rivers  
46.19 Park District Board of Commissioners;

46.20 (6) one representative each from the counties of Anoka and Hennepin, appointed  
46.21 by the respective county boards;

46.22 (7) one representative each from the cities of Anoka, Brooklyn Park, Champlin, and  
46.23 Coon Rapids, appointed by the respective mayors;

46.24 (8) one representative from the Metropolitan Council, appointed by the council chair;

46.25 (9) one representative of the Mississippi National River and Recreation Area,  
46.26 appointed by the superintendent of the Mississippi National River and Recreation Area,  
46.27 who shall serve as a nonvoting member;

46.28 (10) one representative of the United States Army Corps of Engineers, appointed  
46.29 by the commander of the St. Paul District, United States Army Corps of Engineers, who  
46.30 shall serve as a nonvoting member; and

46.31 (11) one representative from the United States Fish and Wildlife Service, appointed  
46.32 by the regional director of the United States Fish and Wildlife Service, who shall serve  
46.33 as a nonvoting member.

46.34 (c) The commission shall elect a chair from among its members.

47.1 (d) Members of the commission shall serve a term of one year and may be  
 47.2 reappointed for any successive number of terms.

47.3 (e) The Three Rivers Park District shall provide the commission with office space  
 47.4 and staff and administrative services.

47.5 (f) Commission members shall serve without compensation.

47.6 Subd. 2. **Duties.** The commission shall study options and make recommendations  
 47.7 for the future of the Coon Rapids Dam, including its suitable public uses, governance,  
 47.8 operation, and maintenance and financing of the dam and its operations. The commission  
 47.9 shall consider economic, environmental, ecological, and other pertinent factors. The  
 47.10 commission shall, by March 1, 2011, develop and present to the legislature and the  
 47.11 governor an analysis and recommendations for the Coon Rapids Dam. The commission  
 47.12 shall present its findings to the house of representatives and senate committees and  
 47.13 divisions having jurisdiction over natural resources and energy policy.

47.14 Subd. 3. **Expiration.** This section expires upon presentation of the commission's  
 47.15 analysis and recommendations according to subdivision 2.

47.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.17 Sec. 72. **SOLID WASTE FACILITY FINANCIAL ASSURANCE**  
 47.18 **MECHANISMS; INPUT.**

47.19 Within six months after the effective date of this section, and before publishing  
 47.20 the rules required for groundwater sensitivity and financial assurance in Minnesota  
 47.21 Statutes, section 116.07, subdivision 4, the Pollution Control Agency shall consult with  
 47.22 experts and interested persons on financial assurance adequacy for solid waste facilities,  
 47.23 including, but not limited to, staff from the Department of Natural Resources, Minnesota  
 47.24 Management and Budget, local governments, private and public landfill operators, and  
 47.25 environmental groups. The commissioner shall seek the input to determine the adequacy  
 47.26 of existing financial assurance rules to address environmental risks, the length of time  
 47.27 financial assurance is needed based on the threat to human health and the environment,  
 47.28 the reliability of financial assurance in covering risks from land disposal of waste in  
 47.29 Minnesota and other states, and the role of private insurance.

47.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.31 Sec. 73. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**  
 47.32 **ADOPTION DELAY.**

48.1 Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county has ten  
48.2 months from the date final rule amendments to the February 4, 2008, subsurface sewage  
48.3 treatment system rules are adopted by the Pollution Control Agency to adopt an ordinance  
48.4 to comply with the rules. A county must continue to enforce its current ordinance until a  
48.5 new ordinance has been adopted.

48.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

48.7 Sec. 74. **HAZARDOUS WASTE INCINERATION FACILITY MORATORIUM.**

48.8 Until March 1, 2011, the commissioner of the Pollution Control Agency shall not  
48.9 issue a permit for a hazardous waste incineration facility that accepts hazardous waste  
48.10 for incineration within Minnesota from generators other than the owner and operator  
48.11 of the facility, unless the hazardous wastes accepted are small quantities of hazardous  
48.12 wastes from a public body on an emergency basis at no cost to the public body and if the  
48.13 commissioner approves the acceptance from the public body.

48.14 Sec. 75. **APPROPRIATIONS.**

48.15 (a) \$60,000 is appropriated in fiscal year 2011 from the water recreation account in  
48.16 the natural resources fund to the commissioner of natural resources to cooperate with local  
48.17 units of government in marking state water trails under Minnesota Statutes, section 85.32;  
48.18 acquiring and developing river accesses and campsites; and removing obstructions that  
48.19 may cause public safety hazards. This is a onetime appropriation and available until spent.

48.20 (b) \$250,000 in fiscal year 2011 is appropriated from the game and fish fund to the  
48.21 commissioner of natural resources to maintain and expand the ecological classification  
48.22 system program on state forest lands.

48.23 Sec. 76. **REVISOR'S INSTRUCTION.**

48.24 (a) The revisor of statutes shall change the term "horse trail pass" to "horse pass"  
48.25 wherever it appears in Minnesota Statutes and Minnesota Rules.

48.26 (b) The revisor of statutes shall change the term "canoe and boating routes" or  
48.27 similar term to "water trail routes" or similar term wherever it appears in Minnesota  
48.28 Statutes and Minnesota Rules.

48.29 (c) The revisor of statutes shall change the term "Minnesota Conservation Corps"  
48.30 to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes and  
48.31 Minnesota Rules.

48.32 Sec. 77. **REPEALER.**

- 49.1 (a) Minnesota Statutes 2008, sections 90.172; 103G.295; and 103G.650, are repealed.
- 49.2 (b) Minnesota Statutes 2009 Supplement, section 88.795, is repealed.

**88.795 FOREST MANAGEMENT LEASE PILOT PROJECT.**

(a) Notwithstanding the permit procedures of chapter 90, the commissioner of natural resources may lease up to 10,000 acres of state-owned forest lands for forest management purposes for a term not to exceed 21 years. No person or entity may lease more than 3,000 acres. The lease shall provide:

(1) that the lessee must comply with timber harvesting and forest management guidelines developed under section 89A.05 and landscape-level plans under section 89A.06 that have been adopted by the Minnesota Forest Resources Council, and in effect at the time of any management activity; and

(2) for public access for hunting, fishing, and motorized and nonmotorized recreation to the leased land that is the same as would be available under state management.

(b) For the purposes of this section, the term "state-owned forest lands" may include school trust lands as defined in section 92.025 or university land granted to the state by Acts of Congress.

(c) By December 15, 2009, the commissioner of natural resources shall provide a report to the house of representatives and senate natural resources policy and finance committees and divisions on the pilot project. The report will detail a plan for the implementation of the pilot project with a starting date that is no later than July 1, 2010.

(d) Upon implementation of the pilot project, the commissioner shall provide an annual report to the house of representatives and senate natural resources policy and finance committees and divisions on the progress of the project, including the acres leased, a breakdown of the types of forest land, and amounts harvested by species. The report shall include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing.

(e) Nothing in this section supersedes the duties of the commissioner of natural resources to properly manage forest lands under the authority of the commissioner, as defined in section 89.001, subdivision 13.

**90.172 ANNUAL REPORTS.**

Subdivision 1. **Report to legislature.** The commissioner shall file an annual report on or before September 30 of each year with the Legislative Reference Library providing detailed information on all auctions and informal sales made in the previous fiscal year. The report shall include but not be limited to the names and addresses of all purchasers, volumes of timber purchased, species, appraised value and sale price. The commissioner shall make copies of the report available to the public upon request.

Subd. 2. **Report to Executive Council.** The commissioner shall report on or before September 30 of each year or more frequently, as required, to the state Executive Council concerning the status of the state timber sales and timber management program, including any special problems or changes occurring since the previous report.

**103G.295 IRRIGATION OF AGRICULTURAL LAND.**

Subdivision 1. **Recommendation and information for waters of the state appropriation.** (a) If an application is made for a permit to irrigate agricultural land from waters of the state, the soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to a comprehensive soil and water conservation plan approved under section 103C.331, subdivision 11. The recommendations must be made within 30 days of the receipt of the application.

(b) Within 30 days of receipt of the application, the commissioner may require additional specific information from the applicant.

Subd. 2. **Issuance or denial of permit for appropriation from waters of the state.** After receiving all requested information, the commissioner must review the application and information, consider the soil and water conservation district's recommendations, and issue or deny the permit within 60 days. If the commissioner orders a hearing, the permit must be issued or denied within ten days after receiving the report of the hearing officer. For an application for a permit to irrigate agricultural land, failure of the commissioner to issue or deny a permit within the time specified under this subdivision is considered an order issuing the permit as applied for. The order is effective ten days after the applicant has given written notice to the commissioner stating an intention to proceed with the appropriation of water to irrigate agricultural land.

Subd. 3. **Groundwater appropriation permit classification areas.** (a) Water use permit applications required for appropriation of groundwater for agricultural irrigation must be

APPENDIX

Repealed Minnesota Statutes: H3702-1

processed in the order received and designated as either class A or class B applications. Class A applications are for wells located in areas for which the commissioner has adequate groundwater availability data. Class B applications are for wells located in other areas.

(b) The commissioner must evaluate available groundwater data, determine its adequacy, and designate class A and B application areas for the entire state. The commissioner shall request, obtain, and evaluate groundwater data from soil and water conservation districts, and where appropriate revise the class A and B application area designations.

(c) The commissioner shall file a commissioner's order with the secretary of state defining class A and B application areas by county and township. Additional areas may be added by a later order of the commissioner.

**Subd. 4. Class B permit requirements.** (a) Class B groundwater use permit applications are not complete until the applicant has supplied:

(1) a summary of the anticipated well depth and subsurface geologic formation expected to be penetrated by the well, including for glacial drift aquifers, the logs of test holes drilled to locate the site of the proposed production well;

(2) the formation and aquifer expected to serve as the groundwater source;

(3) the maximum daily, seasonal, and annual pumpage expected;

(4) the anticipated groundwater quality in terms of the measures of quality commonly specified for the proposed water use;

(5) the results of a pumping test supervised by the commissioner or a designee of the commissioner, conducted at a rate not to exceed the proposed pumping rate for not more than 72 continuous hours for wells under water table conditions and not more than 24 continuous hours for wells under artesian conditions; and

(6) when the area of influence of the proposed well is determined, the location of existing wells within the area of influence that were reported according to section 103I.205, subdivision 9, together with readily available facts on depths, geologic formations, pumping and nonpumping water levels, and details of well construction as related to the water well construction code.

(b) The commissioner may in any specific application waive any requirements of paragraph (a), clauses (4) to (6), or (c) if the necessary data are already available.

(c) Before, during, and after the pumping test required in paragraph (a), clause (5), the commissioner shall require monitoring of water levels in one observation well located at a distance from the pumping well that the commissioner has reason to believe may be affected by the new appropriation. The permit applicant is responsible for costs of the pumping tests and monitoring in the observation well. The applicant is responsible for the construction of one observation well if suitable existing wells cannot be located for this purpose. If the commissioner determines that more than one observation well is needed, the commissioner shall instruct the applicant to install and monitor more observation wells. The commissioner shall reimburse the applicant for these added costs.

**Subd. 5. Issuance of permits for groundwater appropriation.** The commissioner may issue water use permits for irrigation appropriation from groundwater only if the commissioner determines that:

(1) proposed soil and water conservation measures are adequate based on recommendations of the soil and water conservation districts; and

(2) water supply is available for the proposed use without reducing water levels beyond the reach of vicinity wells constructed in accordance with the water well construction code in Minnesota Rules, parts 4725.1900 to 4725.6500.

**103G.650 RECOVERING SUNKEN LOGS ON INLAND WATERS.**

Subdivision 1. **Definitions.** (a) Unless the language or context clearly indicates that a different meaning is indicated, the following terms, for the purposes of this section, shall have the meanings given to them.

(b) "District office" means the office of the area forest supervisor, unless otherwise stipulated in a lease issued under this section.

(c) "Inland waters" means navigable bodies of water within the boundaries of this state, excluding boundary lakes and boundary rivers.

(d) "Log" means a portion of the trunk of a felled tree that has not been further processed for any end use.

(e) "Officer" means a forest officer, conservation officer, or other peace officer.

(f) "Person" means a natural person, including a person acting in a representative capacity, or a corporation, firm, or association of whatever nature or kind.

(g) "Submerged lands" means beds of navigable waters below the low-water mark.

APPENDIX

Repealed Minnesota Statutes: H3702-1

Subd. 2. **Title to sunken logs and historical artifacts.** Notwithstanding section 16B.25, title and ownership of a log or historical artifact that rests for more than one year on submerged land owned by the state in inland waters is considered abandoned property that has forfeited to the state.

Subd. 3. **Application to remove sunken logs.** A person who wishes to raise and remove logs that are resting on submerged lands owned by the state and that are located in inland waters shall make application to the commissioner for a lease. A person may not hold more than three leases at one time. Each lease must be for a specific lake or river. A resident applicant shall include with the application a fee of \$500. A nonresident applicant shall include a fee of \$2,500. The applicant shall:

- (1) identify the inland lake or river where the logs will be raised;
- (2) identify the submerged land area requested for the lease by providing the section, township, and range in which the inland water is located;
- (3) specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lake bed material;
- (4) provide evidence of a general liability insurance policy that names the state as a coinsured party and that is in force for the lease with limits of at least \$300,000 per occurrence and \$1,000,000 in aggregate; and
- (5) include any additional information required by the commissioner.

Subd. 4. **Review of applications.** The commissioner shall review and approve applications in order by time and date received to prevent two or more applications being approved for the same lease. The commissioner shall immediately notify the Minnesota Historical Society of each application received. The commissioner shall publish notice of each application in the State Register and allow 30 days for public comment. Within 60 days after the time date stamp of receipt, the commissioner shall either approve, modify and approve, or deny an application. In determining whether to approve an application, the commissioner shall consider:

- (1) whether the project requires a permit under section 103G.245;
- (2) whether the proposed project may affect public rights in navigable waters;
- (3) whether the proposed project is subject to any requirements arising under federal law; and
- (4) whether the project meets ecological criteria for protection of fish, wildlife, and native plants and their habitats.

Subd. 5. **Lease terms.** (a) The terms and conditions in this subdivision must be specified in leases issued under this section.

(b) A lease is effective for three years and is not transferable. A lease may be renewed within 90 days of expiration for a fee of \$50.

(c) Within one year after the effective date of the lease, the lessee shall commence operations to recover the logs covered by the lease or the lease must be canceled.

(d) The lease must specify the lake or river where the sunken logs may be raised. No lake or river may be covered by more than one lease under this section unless the water body is located in more than one county, in which case one lease may be issued in each county.

(e) The lessee shall comply with all conditions attached to the lease by the commissioner to protect the public rights in navigable water, ensure compliance with federal requirements, and protect aquatic habitats.

(f) The lessee shall only recover logs that are submerged at a water depth of 20 feet or more. The lessee is entitled to ownership of only the sunken logs recovered during the time covered by the lease from submerged lands described in the lease.

(g) The location where the recovered logs are deposited on shore is subject to approval by the commissioner but in no case may the operations interfere with the public's use of public accesses.

(h) The lessee shall plainly place the number of the lease on all logs recovered to adequately identify the logs from the time they are hauled onto shore until they are delivered to the manufacturing facility where they will be processed.

(i) The commissioner reserves the right to revoke the lease for failure to follow the terms and conditions of the lease.

(j) The only acceptable method of recovery is by winching so as to minimize disturbance of lake or riverbed material.

(k) The commissioner shall bill the lessee for the value of the recovered logs based on a rate of 25 percent of the weighted average selling price for all logs sold from state lands for the preceding 12 months.

APPENDIX

Repealed Minnesota Statutes: H3702-1

(l) If the commissioner determines that use of the lease area will interfere with the present or future management objectives of the commissioner, a lease may be canceled upon 21 business days' written notice from the commissioner to the lessee.

(m) The lessee shall indemnify the commissioner against all claims, damages, costs, and expenses, including attorney fees, arising either from reclamation or from any negligence on the part of the lessee.

(n) All divers used in recovery must be certified by the National Association of Scuba Diving Schools or the Professional Association of Diving Instructors.

(o) A lessee must notify personnel at the appropriate department district office five working days before raising submerged logs.

(p) The commissioner and staff have access to leased premises, recovery vehicles, and land vehicles for inspection at any and all reasonable times. Failure to comply must result in immediate suspension of recovery and loss of the lease.

(q) It is the responsibility of the lessee to notify the Minnesota Historical Society before commencing log removal. Upon locating historic items, the lessee must notify the Minnesota Historical Society within one business day. The historical society shall then make a determination on the disposition of the items found. The staff of the historical society shall have access to leased premises, recovery vehicles, and land vehicles for inspection at any and all reasonable times. Failure to comply must result in immediate and permanent suspension of all leases held by the lessee.

(r) An officer shall enforce the terms and conditions of a lease issued under this section.

(s) If the lessee finds what the lessee reasonably believes to be a pollutant or contaminant, the lessee shall contact the Pollution Control Agency within 24 hours.

(t) If the lessee recovers a log with an American Indian tribal mark or brand, the lessee shall notify the nearest tribal government authority within five business days.

**Subd. 6. Disposition of revenue.** Money collected under this section must be deposited in the state treasury and credited as follows:

(1) application fees must be credited to the general fund;

(2) lease proceeds must be credited to the game and fish fund, unless the submerged lands are permanent school fund lands; and

(3) lease proceeds for leases of submerged lands that are permanent school fund lands must be credited to the permanent school fund.

**Subd. 7. Penalties.** (a) Recovery of sunken logs that are removed from submerged lands without a lease issued by the commissioner under this section is trespass as defined in section 90.301.

(b) After the first offense under this subdivision, a person may not apply for or work under a lease issued under this section to remove sunken logs for a period of one year.

(c) After the second offense under this subdivision, a person may not apply for or work under a lease issued under this section to remove sunken logs.